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STATE DOCUMENTS

Montana. Health, Department of

HISTORY OF VITAL STATISTICS IN  
MONTANA





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## PREFACE

It has become apparent in past years that it would be most helpful and interesting to have a book of the major facts regarding vital statistics in Montana set down in a single volume so that the information would be readily available. The "straw that broke the camel's back" and finally initiated the preparation of such a history was a request from the Social Security Administration in March of 1970 for the exact date that vital registration began in Montana. Earlier queries from other persons had been answered truthfully, if more or less vaguely, to the effect that central vital registration in Montana began in mid-1907. This information reflected the facts as shown by the records filed in this office; however, nowhere in the office files was it possible to locate a document which contained information as to the precise date the system was inaugurated.

As of 1970, no one in the Division of Records and Statistics had knowledge of any formal effort to produce a history of vital statistics in Montana. On reflection, it seemed reasonable that we should publish such a publication without further delay since sources of information may become obscured through the passage of time, and many persons now living who have personal knowledge of the vital statistics system in Montana are still available to contribute to the history and to avoid it for possible misstatement of facts.

The procedure which we proposed to follow is to get something done in each of the major areas of interest regarding vital statistics in Montana. Errors can be corrected as they are noted. With this

we intend to compile the history in book-length form. After a suitable period of time and review by knowledgeable persons, production of a condensed version of the history for interested persons may be warranted.

John G. Wilson  
1971

## ORIGIN

The Act of 1907 established the Department of Health and provided for the supervision of the Department by the Governor. The Act also provided for "the collection of statistics and other statistical matter relating to sanitary affairs . . ." and provided for subregistrars and for payment of a fee of \$1.00 for each birth and death certificate filed. Section 20 of the Act provided that the Act would become effective after its passage and approval by the Governor, which approval was given February 20, 1907.

This legislation may have resulted, at least in part, from a plea for a vital statistics system contained in the 1906 report of the State Board of Health as follows:

"The very foundation of sanitary work is the study of vital statistics. In our sanitary work, we have had to depend on the vital statistics of other states. Our state has no law by which vital statistics can be obtained. This lack of vital statistics for our locality has resulted in much supposition and guess-work. The impression undoubtedly prevails in the minds of most of our citizens and even among many of the medical profession that contagious diseases are not as fatal in this state as they are in many of the eastern states. Another impression that seems to prevail is that pneumonia is more fatal in our state than it is in other states, especially those at a lower altitude. To attempt to change these



ideas without the least intention of doing  
whatever, but if we could find out by some  
means if there were any persons in the  
as mentioned in the report, we might find  
no one. The only person who was mentioned  
as being in the neighborhood of the  
co. The only person who was mentioned  
as being in the neighborhood of the

wrote to every undertaker in the neighborhood  
of the place.

"In the meantime, I had been  
regarding the matter and had decided  
to secure the bodies of the men who  
failed to return from the war. At the  
time he understood the situation of the  
he wrote to every undertaker in the neighborhood who  
sold coffins, and to ask them to send him the bones to  
bury the dead in this state where he could  
secure and ask them to give him simple data regarding  
every dead body for which they furnished coffins or  
boxes. To send each of them a blank form and  
depend on them to send in a list of such men who  
had resulted in receiving the bones of the  
half of them. The only thing that had to be

them each month for a total of 12, and 121, was done. As a result, we believe that more than 90% of the deaths that have occurred in this State during the last year have been reported, and we are thus enabled to refute the statement that communicable diseases are less fatal and that pneumonia is more fatal in Montana than they are in other States."

A later report of the State Board of Health states:

"The law providing for the registration of births and deaths went into practical effect in June, 1907.

At this time the various local registrars were appointed and supplied with the necessary blank forms, etc.

The rules and regulations adopted and promulgated for the enforcement of this law are among the rules and regulations of the State Board of Health."

The Second Biennial Report of the State Registrar of Births and Deaths issued for the years 1909 and 1910 comments on a problem which has continued to exist to this day. The report quotes from Section 1766 of the Revised Codes of Montana 1907 relative to the registration of births and deaths which provides in part as follows: ". . . and when it may appear necessary for the convenience of the people of any locality, the State Registrar is hereby authorized, with the approval of the State Board of Health, to appoint one or more suitable and proper persons to act as subregistrars, who shall be authorized to receive certificates, and to issue burial and removal permits in and for such portions of the county or district as may be designated in their appointments . . ."



made it so clear that a defendant's character may be  
disregarded with impunity.

However, there would be a real and if proceeding as  
the character are not to be in favor of requiring  
a jury. In the case of a defendant's character  
fully relevant to the issue of guilt, the fact is  
still of their standing in the community and being an  
of 'not guilty'.

The fact is, this character is not to be used. It  
has been proven that a defendant's character is not  
by jury. Not a defendant's character under a law of this  
character has any power of evidence that are  
worth the paper that is written on."

The Session Laws of 1905 and 1906 do not contain any reference to  
a "Quarterly Report Law". It is therefore a law that was enacted later. It is  
to understand the above case, it is necessary to understand the law.



LEGISLATION

was the California Political Code, enacted in 1872, a copy of which is reproduced below:

### CHAPTER III.

#### REGISTRY OF BIRTHS, MARRIAGES, AND DEATHS.

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|---|---|
| <p>§ 3074. Bureau of vital statistics. State registrar, duty of.</p> <p>§ 3075. Statistician, appointment of. Term of office and salary of statistician. Assistants and clerks.</p> <p>§ 3076. Registry of marriages performed.</p> <p>§ 3077. Registry of births.</p> <p>§ 3078. County recorder, duty of. Duty of health officer.</p> | <p>§ 3079. Fee of recorder and health officer.</p> <p>§ 3080. State registrar to prepare the and instructions.</p> <p>§ 3081. State registrar may require information.</p> <p>§ 3082. Penalty for failure to perform.</p> <p>§ 3083. State registrar to furnish copies of records.</p> <p>§ 3084. Permit for burial (repealed).</p> |
|---|---|

§ 3074. BUREAU OF VITAL STATISTICS. STATE REGISTRAR, DUTY OF. The state board of health shall maintain, at the city of Sacramento, a bureau of vital statistics for the complete and proper registration of the marriages and deaths, for legal, sanitary and statistical purposes, which shall be under the supervision of the secretary of the state board of health. The registrar shall be ex officio state registrar of vital statistics, and whose duty it shall be after consultation with the state board of health, to promulgate and enforce necessary rules and regulations that may be required to carry out the provisions of this chapter.

[Repealing clause.] See. 12. All acts and parts of acts in conflict with this act are repealed.

History: Enacted March 12, 1872; amended March 16, 1878, Code Amends. 1877-8, p. 69; March 18, 1905, Stats. and Amends. 1905, p. 106.

§ 3075. STATISTICIAN, APPOINTMENT OF. TERM OF OFFICE AND SALARY OF STATISTICIAN. ASSISTANTS AND CLERKS. The state board of health shall appoint a competent statistician to assist the state registrar of vital statistics and such clerical and professional assistants as may be required for the proper discharge of the duties of said registrar. Said statistician shall also be an assistant to the secretary of the state board of health.

The statistician so appointed shall hold office at the pleasure of the board and shall receive an annual salary of eighteen hundred dollars payable out of the general fund of the state from money not otherwise appropriated at the time and in the manner in which state officers are paid.

The compensation for clerical and professional assistants shall be fixed by the board and shall be payable from its fund for contingent expenses, subject to the general appropriation act.

[Repealing clause.] See. 12. All acts and parts of acts in conflict with this act are repealed.

History: Enacted March 12, 1872; amended March 18, 1905, Stats. and Amends. 1905, p. 106.

Applied, cited, construed, referred to, etc., in: 118 parts Revised Statutes, Pac. Rep. 24 (1905).

§ 3076. REGISTRY OF MARRIAGES PERFORMED. All persons performing the marriage ceremony in this state shall, within three days after the ceremony, file with the county recorder a certificate of registry in the form prescribed by them in such form as may be prescribed by the board of health, which shall contain among other matters as near as can be ascertained the place and date of marriage, sex, race, color, age, name and status of the parties.

presence of the parties married, number of marriage and condition of each, whether single, widowed, or divorced, the occupation of the parties, maiden name of the female, if previously married, the names and birthplace of the parents of each and the maiden name of the mother of each.

[Repealing clause.] Sec. 12. All acts and parts of acts in conflict specially repealed.

History: Enacted March 12, 1872; amended March 30, 1874, Code Amts. 1873-4, p. 42; March 18, 1905, Stats. and Amts. 1905, p. 104.

Registry of marriages.—See REED'S CYC. CIV. CODE §§ 73-77.

§ 3077. REGISTRY OF BIRTHS. Physicians, midwives, nurses and other persons assisting at a birth shall return in writing within five days thereafter to the county recorder of the county where such birth takes place in such form as may be prescribed by the state registrar a certificate of registry of such birth which shall contain among other matters, the time and place of such birth, the sex, race and color of the child, the name, residence, age, birthplace and occupation of the parents and the maiden name of the mother, and whether born in or out of wedlock, and such other information as may be required by the state registrar. Provided, however, that in cities having a freholders charter the health officer shall act as local registrar and perform all the duties thereof. In case the child is not named the recorder or registrar of such locality shall deliver to such parent, next of kin, physician, midwife or other person furnishing such certificate of birth a supplementary blank for report of given name, which shall be filled out and returned as soon as the child shall be named.

In case there shall be no physician, midwife, or nurse attending at such birth, then, it shall be the duty of the parents of any child born in this state (if there be no parent alive, then the next of kin of said child) within five days after such birth to report in writing to the recorder of the county health officer of cities having a freholders charter where such birth takes place in such form as may be prescribed by the state registrar, the date, place of residence, name, sex, race, and color of such child, and the names, residence, birthplace and age of the parents, their occupations, and the maiden name of the mother, and whether born in or out of wedlock, and such other information required by the state registrar.

[Repealing clause.] Sec. 12. All acts and parts of acts in conflict specially repealed.

History: Enacted March 12, 1872; amended March 16, 1878, Code Amts. 1877-8, p. 60; March 18, 1905, Stats. and Amts. 1905, pp. 104-105.

Repealed, cited, construed, referred to, etc., in: Ex parte Keeney, 84 Cal. 203, 209, 24 Cal. 2d (cited).

## § 3078. COUNTY RECORDER, DUTY OF. DUTY OF HEALTH OFFICER.

It shall be the duty of every county recorder to receive without fee each certificate of registry of marriage and birth; provided, however, that in cities having a freholders charter the health officer shall act as registrar for births, and shall receive, without fee or charge, each certificate of birth and enter the same in the same manner as provided for the county recorder. To enter the same in separate registers to be known as the "Register of Marriages," and the "Register of Births," in separate columns, properly

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headed, the various facts contained in the certificates and the name and office or clerical position of the person making the report. The recorder or health officer must carefully examine each report, and register the same marriage or birth but once, although it may be reported by different persons.

The certificates shall be numbered by him and entered in the order in which they are reported to him.

On or before the fifth day of each month each recorder, or health officer, shall transmit by United States mail, carefully inclosed in appropriate envelopes or wrappers, addressed to the state registrar at Sacramento, and personally deliver to him at his office in Sacramento, on or before the fifth day of each month, the original certificates of births and marriages filed with him during the preceeding month, and shall accompany said certificates with a brief statement of the number of such certificates, and the dates of their receipt. The state registrar shall thereupon file said original certificates of marriage[s] and births, and cause the same to be separately and systematically indexed.

[Repealing clause.] Sec. 12. All acts and parts of acts in conflict herewith are repealed.

History: Enacted March 12, 1872; amended March 18, 1903, Stats. and Amends. 1903, p. 105.

§ 3070. FEE OF RECORDER AND HEALTH OFFICER. For their services as required by section three thousand and seventy-eight of this Code, county recorders, or health officers of cities having a freeholders charter, in addition to their compensation for the other duties of their office, payable by the board of supervisors, ten cents for each name registered and reported to the state registrar, which sum shall be paid out of the general fund of the county upon warrants issued quarterly and signed by the county auditor, as approved by the state registrar, which warrants shall specify the number of certificates of marriages and births properly registered and filed with the state registrar.

[Repealing clause.] Sec. 12. All acts and parts of acts in conflict herewith are repealed.

History: Enacted March 12, 1872; amended March 16, 1878, Code Amends. 1877-8, p. 69; March 18, 1903, Stats. and Amends. 1903, pp. 105-106.

§ 3080. STATE REGISTRAR TO PREPARE BLANK FORM AND INSTRUCTIONS. The state registrar shall prepare a sample form and instructions for use in registering, recording and preserving the reports of marriages and births, and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration, and no other forms of certificates shall be used than those prescribed by the state registrar.

[Blanks to be furnished by supervisors.] Printed blanks in the form prescribed by the state registrar for the registration of marriages and births shall be furnished to each recorder or health officer by the board of supervisors of each county or city and county in sufficient quantities, and each recorder or health officer shall furnish without charge a sufficient number of certificates to the applicant upon whom is imposed the duty of certifying to a marriage or

[Repealing clause.] See. 12. All acts and parts of acts in conflict specially repealed.

History: Enacted March 12, 1872; amended March 18, 1905, Stats. and Amts. 1905, p. 106.

§ 6061. **STATE REGISTRAR MAY REQUIRE FURTHER INFORMATION.** The state registrar shall carefully examine the certificates of marriages and births received monthly from the county recorders or health officers, and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record satisfactory.

All physicians, clergymen, judges, midwives, nurses, parents, or other persons upon whom the duty is imposed of certifying to marriages or births, and all other persons having knowledge of the facts, are required to furnish such information as they may possess regarding any marriage or birth on demand of the state registrar, in person by mail or through the local recorder.

Whenever it may be alleged that the facts are not correctly stated in any certificate of marriage or birth theretofore registered, the county recorder shall require a deposition under oath to be made by the person asserting the error, to be supported by the depositions of two or more credible persons having knowledge of the facts, setting forth the change necessary to make the record correct. Having received such depositions, he shall file them and shall then draw a line through the incorrect statement or statements in the certificate, and erasing them, and make the necessary corrections, noting on the back of the certificate his authority for so doing, and transmit the deposition attached to the original certificate, when making his regular monthly report to the state registrar. If the correction relates to a certificate previously returned to the state registrar, he shall transmit the deposition forthwith to the state registrar. If the correction is first made upon the original certificate on file in the state bureau of vital statistics, the state registrar shall immediately transmit a certified copy of the original certificate, as above, to the county recorder, who shall thereupon substitute a certified copy for the copy of the certificate in his records. All such corrections and marginal notes referring to them shall be legibly written in ink, or written or printed.

[Repealing clause.] See. 12. All acts and parts of acts in conflict specially repealed.

History: Enacted March 12, 1872; amended March 16, 1878, Code Amts. 1877-8, pp. 60-61; March 18, 1905, Stats. and Amts. 1905, pp. 106-107.

§ 6062. **PENALTY FOR FAILURE TO PERFORM DUTY.** Any officer or person upon whom a duty is imposed under this chapter who fails, neglects or refuses to perform any of the duties imposed upon him under this chapter or the instructions and directions of the state registrar shall be deemed guilty of a misdemeanor and upon conviction shall be punished in the same manner as other misdemeanors provided in the Penal Code.

[Repealing clause.] See. 12. All acts and parts of acts in conflict specially repealed.

History: Enacted March 12, 1872; amended March 18, 1905, Stats. and Amts. 1905, p. 107.

§ 3083-3094 (740)

COPY OF RECORDS—BODIES FOR DISSECTION.

1885

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Am'd.  
p. 164

**§ 3083. STATE REGISTRAR TO FURNISH CERTIFIED COPIES OF RECORDS.** The state registrar shall upon request furnish any applicant a certified copy of the record of any marriage or birth registered under the provisions of this chapter, for the making and certification of which he shall be entitled to a fee of fifty cents to be paid by the applicant. Any such copy of the record of a marriage or birth when properly certified by the state registrar to be a true copy thereof shall be

Prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made, the state registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search to be paid by the applicant. And the registrar shall keep a true and correct account of all fees by him received under these provisions and shall deposit all fees with the state treasurer.

[Repealing clause.] Sec. 12. All acts and parts of acts in conflict with this act are repealed.

History: Enacted March 16, 1878, Code Amends. 1877-8, p. 61; amended March 18, 1905, Stats. and Amends. 1905, p. 107.

**§ 3084. PERMIT FOR BURIAL (repealed).**

History: Enacted March 10, 1885, Stats. and Amends. 1885, p. 55; amended February 25, 1889, Stats. and Amends. 1889, pp. 36-37; repealed March 18, 1905, Stats. and Amends. 1905, p. 107.

1. Applied, cited, construed, referred to.
2. Duty and liability of officer.

1. Applied, cited, construed, referred to, etc., in: *Ex parte Keeney*, 84 Cal. 306, 309, 510, 24 Pac. Rep. 34 (cited).

2. Duty and liability of officer.—Before issuing his permit it is duty of officer to demand, receive, and file proper certificate

of death prescribed by statute. If receipt it is equally his duty to file. For violation of his duty in any of these respects he is liable to be proceeded against for removal from office under proper statute, and is punished as misdemeanor under § 275 of Penal Code. *Ex parte Keeney*, 84 Cal. 304, 313, 24 Pac. 31.

## LEGISLATION.

1895      The first state laws in Montana affecting vital registration were enacted in 1895. These were Sections 2870-2875 of Chapter II. of the 1895 Political Code. These laws provided for registries of births, deaths, and marriages and described the duties of the county clerk in maintaining these registries.

### CHAPTER II.

#### REGISTRY OF BIRTHS, DEATHS AND MARRIAGES.

- Section 2870. *Registry of marriages.*  
" 2871. *Registry of births.*  
" 2872. *Registry of deaths.*  
" 2873. *Registry of births and deaths.*  
" 2874. *Same.*  
" 2875. *Duties of county clerk.*

§ 2870. All persons who perform the marriage ceremony must keep a registry of the time of each marriage so celebrated, the residence, the names in full, the place of birth, the age of each party, and whether either has ever been before married.

§ 2871. All physicians and professional midwives must keep a registry of the time of each birth at which they assist professionally, the sex, race and color of the child, and the names and residence of the parents.

§ 2872. Physicians who attend deceased persons in their last illness, clergymen who officiate at a funeral, coroners who hold inquests, sextons and undertakers who bury deceased persons, must each keep a registry of the name, age, residence and time of death of such person.

§ 2873. All persons registering marriages, births or deaths are quarterly to file with the county clerk a certified copy of their register. All such certificates must specify, as near as may be ascertained, the name in full, occupation, age, term of residence in the city or county, birth-place, condition, whether single or married, widow or widower, sex, race, color, last place of residence, and cause of death of all decedents.

§ 2874. If at any birth no physician or midwife attends, the parents must make the report.

§ 2875. The county clerk must keep separate registers, to be known as the "Register of Marriages," the "Register of Births," and the "Register of Deaths," in which the marriages, births and deaths certified to him must be numbered in the order in which they are reported to him. There must be stated in each register, in separate columns, properly headed, the various facts contained in the certificates, and the name and official or clerical position of the person making the report. The county clerk must carefully examine each report, and register the same marriage, birth or death but once, although it may be reported by different persons.

The first provision for the registration of vital statistics was enacted in 1907. It is interesting to find Montana has always been a leader in following model national recommendations on vital statistics legislation. The first official Model Law was released in 1907 and the first Montana vital statistics laws reflect it.

Following are Xerox copies of the original vital statistics law which was enacted February 20, 1907. Section numbers reflect the 1907 R.C.M.

### CHAPTER III.

#### REGULATION FOR THE REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.

##### ARTICLE I. GENERAL REGULATIONS.

##### II. STATE BUREAU OF VITAL STATISTICS.

##### ARTICLE I.

##### GENERAL REGULATIONS.

- Section 1758. *Registry of marriages.*  
" 1759. *Registry of births.*  
" 1760. *Registry of deaths.*  
" 1761. *Registry of births and deaths.*  
" 1762. *Same.*  
" 1763. *Duties of county clerk.*

1758. (§ 2870.) *Registry of marriage.*—All persons who perform the marriage ceremony must keep a registry of the time of each marriage so celebrated, the residence, the names in full, the place of birth, the age of each party, and whether either has ever been before married.

1759. (§ 2871.) *Registry of births.*—All physicians and professional midwives must keep a registry of the time of each

birth at which they assist professionally, the sex, race and color of the child, and the names and residence of the parents.

1760. (§ 2872.) *Registry of deaths.*—Physicians who attend deceased persons in their last sickness, clergymen who officiate at a funeral, coroners who hold inquests, sextons and undertakers who bury deceased persons, must each keep a registry of the name, age, residence and time of death of such person.

1761. (§ 2873.) *Registry of births and deaths.*—All persons registering marriages, births or deaths must quarterly file with the county clerk a certified copy of their register. All such certificates must specify, as near as may be ascertained, the name in full, occupation, age, term of residence in the city or county, birth-place, condition, whether single or married, widow or widower, sex, race, color, last place of residence, and cause of death of all decedents.

1762. (§ 2874.) *Same.*—If at any birth no physician or midwife attends, the parents must make the report.

1763. (§ 2875.) *Duties of county clerk.*—The county clerk must keep separate registers, to be known as the "Register of Marriages," the "Register of Births," and the "Register of Deaths," in which the marriages, births and deaths certified to him must be numbered in the order in which they are reported to him. There must be stated in each register, in separate columns, properly headed, the various facts contained in the certificates, and the name and official or clerical position of the person making the report. The county clerk must carefully examine each report, and register the same marriage, birth or death but once, although it may be reported by different persons.

## ARTICLE II.

### STATE BUREAU OF VITAL STATISTICS.

- Section 1764. *Creation of board.*
- " 1765. *State registrar to make rules and regulations.*
- " 1766. *Local registrars.*
- " 1767. *Registration of births.*
- " 1768. *Registration of deaths. Burial permits.*
- " 1769. *Forms of registry certificates.*
- " 1770. *Certificate of death. Burial permit.*
- " 1771. *Same.*
- " 1772. *Certificate of birth.*
- " 1773. *Duty of sexton or persons in charge of cemetery.*
- " 1774. *Duties of state registrar.*
- " 1775. *Duties of local registrar.*
- " 1776. *Fees for filing certificate of birth.*
- " 1777. *Registration of physicians. Midwife and undertaker.*
- " 1778. *Hospital records.*

*Section 1779. Compensation of local registrar.*

" 1780. Penalties.

" 1781. Registrars charged with duty of enforcing this Act.

1764. *Creation of Board.*—That for the complete and proper registration of births and deaths for legal, sanitary and statistical purposes, there shall be, and hereby is, established and created a State Bureau of Vital Statistics to be under the immediate superintendence of the secretary of the state board of health of Montana who shall be the State Registrar. [Act approved February 20, 1907, § 1.] (10th Sess. Chap. 25.)

1765. *State registrar to make rules and regulations.*—The state registrar is hereby empowered to make, promulgate, and enforce such rules and regulations as he may consider necessary with the approval of the majority of the members of the state board of health, to carry out the provisions of this Act. [Act approved February 20, 1907, § 2.] (10th Sess. Chap. 25.)

1766. *Local registrars.*—The health officer of each city or town shall be the local registrar in and for the city or town of which he is health officer, and he shall perform all the duties of local registrar as hereinafter provided. And when it may appear necessary for the convenience of the people of any locality, the state registrar is hereby authorized, with the approval of the state board of health, to appoint one or more suitable and proper persons to act as sub-registrars, who shall be authorized to receive certificates, and to issue burial and removal permits in and for such portions of the county or district as may be designated in their appointments, and they shall be subject to the same requirements and obligations as the local registrars, and shall make returns directly to the state registrar as hereinafter provided. [Act approved February 20, 1907, § 3.] (10th Sess. Chap. 25.)

1767. *Registration of births.*—That all births shall be registered in the district in which they occur as hereinafter provided. [Act approved February 20, 1907, § 4.] (10th Sess. Chap. 25.)

1768. *Registration of deaths. Burial permits.*—That the body of any person whose death occurs in the state shall not be interred, or otherwise disposed of, or removed from or into any registration district until a permit for a burial or removal shall have been properly issued by the registrar of the district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him, as hereinafter provided. Stillborn children or those dead at birth, shall be registered as births and also as deaths, and a certificate of both the birth and death shall be filed in the usual manner. [Act approved February 20, 1907, § 5.] (10th Sess. Chap. 25.)



1769. *Forms of registry certificates.*—That the forms of certificates used in registering births and deaths under this Act shall be the standard form recommended by the Bureau of the Census and the American Public Health Association. [Act approved February 20, 1907, § 6.] (10th Sess. Chap. 25.)

1770. *Certificate of death. Burial permit.*—That the undertaker or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar, and securing a burial permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them, and present the certificate to the attending physician for the medical certificate of the cause of death, and he shall then present the completed certificate to the registrar to secure the burial or removal permit. The undertaker shall deliver duplicate burial permit to the sexton, or person in charge of the place of burial, before interring the body. The medical certificate shall be made and signed by the attending physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which the death occurred. And the cause of death, and all other facts required, shall in all cases be stated in accordance with the rules and regulations of the state registrar. [Act approved February 20, 1907, § 7.] (10th Sess. Chap. 25.)

1771. *Same.*—In case of any death occurring without medical attendance, it shall be the duty of the undertaker to notify the registrar of such death, and when so notified, the registrar shall inform the local health officer or coroner and refer the case to him for immediate investigation and certification prior to issuing a burial permit. [Act approved February 20, 1907, § 8.] (10th Sess. Chap. 25.)

1772. *Certificate of birth.*—The certificate of birth shall be made and filed by the attending physician or midwife within ten days after the date of birth. And if there is no attending physician or mid-wife, then it shall be the duty of the father of the child, householder or owner of the premises, or the head of the hospital or institution in which the birth occurred, to make and file the certificate within ten days after birth. [Act approved February 20, 1907, § 9.] (10th Sess. Chap. 25.)

1773. *Duty of sexton or person in charge of cemetery.*—No sexton or person in charge of any cemetery in which interments are made shall inter or permit the interment of any body unless it is accompanied by a burial permit as herein provided. And he shall indorse upon one of the permits the date of interment, over his signature, and return all permits so indorsed to the local registrar of his district within ten days from the date of interment. He shall also keep a record of all interments made

in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker, which record shall at all times be open to public inspection. [Act approved February 20, 1907, § 10.] (10th Sess. Chap. 25.)

1771. *Duties of state registrar.*—The state registrar shall prepare, print, and supply to all registrars all blanks and forms used in registration, recording and preserving the returns or in otherwise carrying out the purposes of this act, and shall prepare and issue such rules and regulations as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. He shall arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card index of all births and deaths registered. He shall inform all registrars what diseases are to be considered as infectious, contagious or communicable, and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases. And he shall annually certify to the treasurer of the several counties the number of births and deaths registered, and the names of the local registrars, with the amounts due each at the rate fixed herein. [Act approved February 20, 1907, § 11.] (10th Sess. Chap. 25.)

1775. *Duties of local registrars.*—It shall be the duty of the local registrar or sub-registrar to supply blank forms of certificates to such persons as require them. And he shall carefully examine each certificate of birth or death when presented for record to see that it has been made out in accordance with the provisions of this act and the instructions of the state registrar and if any certificate of death is incomplete or unsatisfactory it shall be his duty to call the attention to the defect in the return and withhold issuing the burial permit until they are corrected. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker; *provided*, that in case the death occurred from some disease that is held by the state board of health to be infectious, contagious or communicable and dangerous to public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under the conditions prescribed by the state and local boards of health. If a certificate of birth is incomplete he shall immediately notify the informant and require him to supply the missing items if they can be obtained. He shall then number consecutively the certificates of births and deaths in two separate series, beginning with "number one" for the first birth and the first death in the calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall

also make a complete and accurate copy of each birth and death certificate registered by him, upon a form identical with the original certificate, to be filed and properly preserved in his office as the local record of such birth and death, in such manner as directed by the state registrar and he shall, on the fifth day of each month, transmit to the state registrar, all the original certificates registered by him during the preceding month. And if no births or no deaths occur in any month, he shall, on the fifth day of the following month, report that fact to the state registrar in such manner as the state registrar shall direct. [*Act approved February 20, 1907, § 12.*] (*10th Sess. Chap. 25.*)

1776. *Fees for filing certificate of birth.*—Each physician, midwife, father of child, householder or owner of premises manager or superintendent of public or private institution, or other person acting as informant and filing with the local registrar within ten days after the birth of a child a proper certificate correctly and legibly made out and containing all the items required by the provisions of this act and the rules and regulations of the state registrar shall be entitled to receive the sum of fifteen (15) cents, to be paid by the treasurer of the county upon certification by the state registrar. Only one certificate shall be received of the birth of the same child, and the order of right to file the certificate shall be the same as the order of responsibility for filing as herein given. Certificates in which certain items are missing shall not be regarded as complete and shall not be entitled to payment until the missing items have been supplied. And the state registrar shall annually certify to the treasurers of the several counties the number of births registered, with the name of the person registering them and the amounts due each at the rate fixed therein. [*Act approved February 20, 1907, § 13.*] (*10th Sess. Chap. 25.*)

1777. *Registration of physicians, midwife and undertaker.*—That every physician, midwife, and undertaker shall without delay register his or her name, address, and occupation with the local registrar of the district in which he or she resides, or may hereafter acquire residence, and shall thereupon be furnished by the registrar with a copy of this act, and such rules and regulations as may be prepared by the state registrar, relative to its enforcement. [*Act approved February 20, 1907, § 14.*] (*10th Sess. Chap. 25.*)

1778. *Hospital record.*—All superintendents or managers, or other persons in charge of hospitals or lying-in institutions, public or private, to which persons resort for treatment of disease, confinement, or are committed by process of law, are hereby required to make a record of all personal and statistical particulars relative to the inmates in their institutions at the date of the approval of this act, that are required in the form of certificate

herein provided for, as directed by the state registrar. And thereafter such records shall be made by them, for all future inmates, at the time of admission. [*Act approved February 20, 1907, § 15.*] (10th Sess. Chap. 25.)

1779. *Compensation of local registrar.*—That each local registrar or sub-registrar shall be entitled to be paid the sum of twenty-five (25) cents for each birth and each death certificate completely and properly made out and filed with him, to be paid by the treasurer of the county upon certification by the state registrar. He shall supply blank forms of certificate to such persons as require them, and shall carefully examine the certificates presented for record and require them to be properly made out. And he shall keep such records and make such returns to the state bureau as may be required by the rules and regulations of the state registrar. [*Act approved February 20, 1907, § 16.*] (10th Sess. Chap. 25.)

1780. *Penalties.*—That if any attending physician shall refuse or neglect to make the medical certificate of death herein required of him, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than five days nor more than twenty-five days, or by both such fine and imprisonment in the discretion of the court. And if any physician shall wilfully and knowingly make a false certificate of the cause of death in any case, he shall be guilty of a misdemeanor, and, upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment in the county jail for not less than twenty-five days nor more than one hundred days, or by both such fine and imprisonment in the discretion of the court. And any physician or midwife, or any other person with responsibility for reporting births, in the order named in § 1772 (9) of this act, who shall refuse or neglect to make out and file the certificate of birth herein required, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars for each offense. And any sexton, undertaker, or other person who shall inter, remove or otherwise dispose of the body of any deceased person, without the permit herein provided for, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars. And any registrar or sub-registrar who shall neglect or fail to enforce the provisions of this act in his district, or shall refuse or neglect to perform any of the duties imposed upon him by this act or the rules and regulations of the state registrar, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dol-

lars. And any person or corporation who shall violate any of the provisions of this act, or any of the rules or regulations formulated thereunder by the state registrar, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars. [Act approved February 20, 1907, § 17.] (10th Sess. Chap. 25.)

1781. *Registrars charged with duty of enforcing this act.*—Local registrars and sub-registrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts under the supervision of the state registrar. And they shall make an immediate report to the state registrar of any violation of this law coming to their notice by observation or upon complaint of any person or otherwise. The state registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the state, and with supervisory power over local registrars, to the end that all requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all registrars shall aid him upon request, in such investigations. When he shall deem it necessary he shall report cases of violation of any of the provisions of this act to the prosecuting attorney of the proper county, with the statement of the facts and circumstances, and when any such case is reported to them by the state registrar all prosecuting attorneys or officials acting in such capacity shall forthwith institute and promptly follow up the necessary court proceedings against the parties responsible for the alleged violation of law. And upon request of the state registrar the attorney general shall likewise assist in the enforcement of this act. [Act approved February 20, 1907, § 18.] (10th Sess. Chap. 25.)

## LEGISLATION

1909 Section 1770 of the 1907 R.C.M. was amended to provide that the attending physician must certify the cause of death without delay and specified that failure to do this would make him guilty of a misdemeanor.

### § 1770. Death Certificates and Burial Permits.

That the undertaker or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar, and securing a burial permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them, and present the certificate to the attending physician for the medical certificate of the cause of death, and said attending physician shall, upon such certificate coming to his notice, forthwith, and without delay, make his certificate of the cause of death, and said undertaker shall then present the completed certificate to the registrar to secure the burial or removal permit. The undertaker shall deliver duplicate burial permit to the sexton, or person in charge of the place of burial, before interring the body. The medical certificate shall be made and signed by the attending physician, if any, last in attendance on the deceased who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which the death occurred. And the cause of death, and all other facts required shall in all cases be stated in accordance with the rules and regulations of the state registrar, and if any undertaker, attending physician or registrar, shall fail to perform any of the acts hereinabove prescribed, he shall be guilty of a misdemeanor. [Amendment approved March 3, 1909; Laws 1909, p. 56.]

### § 1787.

An attorney, who represents the board of stock commissioners, has a right to

appear in aid of a prosecution for the larceny of a steer. *State v. Biggs*, 45 Mont. 400, 403, 123 Pac. 410.

Following is an excerpt from the Session Laws of 1909 as enacted by the Eleventh Legislative Assembly.

## CHAPTER 48.

"An Act to Amend Section 1770, of the Revised Codes of Montana of 1907, Relating to the Burial of Dead Bodies, and Prescribing the Duty of the Attending Physician in Making Certificate of the Cause of Death."

*Be it enacted by the Legislative Assembly of the State of Montana:*

Revised Codes  
of 1907.  
Section 1770  
amended.

Section 1. That Section 1770, of the Revised Codes of Montana, of 1907, shall be, and hereby is, amended so as to read as follows:

Undertakers,  
duties of in  
securing burial  
permits.

Section 1770. That the undertaker or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar, and securing a burial permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them, and present the certificate to the attending physician for the medical certificate of the cause of death, and said attending physician shall, upon such certificate coming to his notice, forthwith, and without delay, make his certificate of the cause of death, and

To obtain cer-  
tificate from  
attending  
physician.

## ELEVENTH LEGISLATIVE ASSEMBLY.

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said undertaker shall then present the completed certificate to the registrar to secure the burial or removal permit. The undertaker shall deliver duplicate burial permit to the sexton, or person in charge of the place of burial, before interring the body. The medical certificate shall be made and signed by the attending physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which the death occurred. And the cause of death, and all other facts required shall in all cases be stated in accordance with the rules and regulations of the state registrar, and if any undertaker, attending physician or registrar shall fail to perform any of the acts hereinabove prescribed, he shall be guilty of a misdemeanor.

Duties of  
attending  
physician.

Medical  
certificate,  
what to contain.

Misdemeanor.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1909.

1911 Section 1700 of the 1907 R.C.L. was amended by adding a clause which specified that a justice of the peace was required to act as local registrar for the district in which he resided when called upon to do so by the state registrar.

VITAL STATISTICS.

§ 1700. Vital Certificates—Local Registrars.

The health officer of each city or town shall be the local registrar in and for the city or town of which he is health officer, and he shall perform all the duties of local registrar as hereinafter provided. And when it may appear necessary for the convenience of the people of any locality, the state registrar is hereby authorized, with the approval of the state board of health, to appoint one or more suitable and proper persons to act as sub-registrars, who shall be authorized to receive certificates and to issue burial and removal permits in and for such portions of the county or district as may be designated in their appointments and they shall be subject to the same requirements, and obligations as the local registrars and shall make returns directly to the state registrar, as hereinafter provided.

And any justice of the peace of any township is hereby required to act as local registrar of births and deaths for the district in which he resides when called upon to do so by the state registrar of births and deaths. [Amendment approved February 23, 1911; Laws 1911, p. 69.]



Following in effect from the Session Laws of 1911  
the Twelfth Legislative Assembly.

#### CHAPTER 39.

An Act to amend Section 1766 of the 1907 Revised Statutes of the State of Montana relative to Registration of Births and Deaths.

*Be it enacted by the Legislative Assembly of the State of Montana:*

Section 1. That Section 1766 of the Revised Statutes of Montana be amended so as to read as follows:

Section 1766. The health officer of each city or town shall be the local registrar in and for the city or town of which he is health officer, and he shall perform all the duties of local registrar as hereinafter provided. And when it may appear necessary for the convenience of the people of any locality, the State Registrar is hereby authorized, with the approval of the State Board of Health, to appoint one or more suitable and proper persons to act as sub-registrars, who shall be authorized to receive certificates and to issue burial and removal permits in and for such portions of the county or district as may be designated in their appointments and they shall be subject to the same requirements, and obligations as the local registrars and shall make returns directly to the State Registrar, as hereinafter provided.

And any Justice of the Peace of any township is hereby required to act as local registrar of births and deaths for the district in which he resides when called upon to do so by the State Registrar of Births and Deaths.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Amending Section 1766, Revised Codes, 1907.

The health officer of each city or town to be local registrar.

State registrar may appoint sub-registrars when.

Authority of sub-registrars.

Burial and removal permits.

Justice of the Peace when to act as local registrar of births and deaths.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved Feby. 23, 1911.

## CHAPTER 68.

"An Act Requiring Registrars and Sub-registrars of Births and Deaths to File Returns With County Clerks, and Providing for the Transcribing of Records of Births and Deaths."

*Be it enacted by the Legislative Assembly of the State of Montana:*

Local registrars of births and deaths must file duplicate returns.

Duty of county clerk.

Copies of returns to be prepared and transmitted to county clerk.

Fees for making copies.

How paid.

Certified copies of records.

Fees for certified copies.

Section 1. That every local registrar and sub-registrar of births and deaths, provided for by Section 1766 of the Revised Codes of Montana, in addition to sending to the State Registrar the returns required by law, must file duplicate returns with the county clerk in which said registrars are located, which returns so filed, must be entered by the county clerk in the respective registers of births and deaths, required by Section 1763 of the Revised Codes of Montana, 1907.

Section 2. That all local Registrars and sub-registrars in the State of Montana must within ninety days after the passage and approval of this Act, prepare copies of all the returns on file in their respective offices heretofore filed and entered in their offices, showing record of all births and deaths appearing in their respective records, and must send such copies of such returns to the county clerk of the county in which they are resident, and shall receive as a fee for preparing and sending such copies of such records, ten cents (10c) for each of such records, which sum shall be paid by the Board of County Commissioners on presentation of duly verified claim, showing the number of returns so certified and filed with the county clerk.

Section 3. Every county clerk is required to issue a certified copy of a record of birth or death upon demand of any such record on file in his office, and shall receive on behalf of the county as the fee for such certified copy, the sum of twenty-five cents (25c).

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Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in force from and after its passage and approval.

Approved March 1, 1919.

## 1921

1921

The codes of Montana were revised in 1921. Very little was changed in the codes simply corrected with minor edits. In Section 2510 the words "residing" were changed to "reside", and the words "and must promptly report" were changed to "shall report" was added.

Again in Section 2521 the words "and must promptly report" was changed to "facts to the local registrar" was added.

Section 1701 of the 1907 Revised Code of Montana was moved forward into the 1921 revision. This codified the requirement of a registry of births and deaths at the county level.

Section 2522 also was amended to require that reports be filed at the local registrar.

Section 2523 omitted reference to a registry of marriages.

The remainder of the 1921 revision followed very closely the 1907 codes.

A Xerox copy of Chapter 195 as included in the 1921 Revised Code of Montana follows:

CHAPTER 195.

STATE BUREAU OF VITAL STATISTICS—REGISTRATION OF BIRTHS AND DEATHS.

- Section 2515. State Bureau of Vital Statistics—Creation of.  
 2516. State Registrar to Make Rules and Regulations.  
 2517. Local Registrars—Vital Certificates.  
 2518. Local Registrars Must File Duplicate Returns With County Clerk—Duty of Clerk.  
 2519. Copies of Returns to Be Transmitted to County Clerk—Fees for Copies, How Paid.  
 2520. Registry of Births.  
 2521. Registry of Deaths.  
 2522. Same.  
 2523. Duties of County Clerk.  
 2524. Certified Copies of Records—Fees.  
 2525. Registration of Births.  
 2526. Registration of Deaths—Burial Permits.  
 2527. Forms of Registry Certificates.  
 2528. Death Certificates and Burial Permits.  
 2529. Same.  
 2530. Certificate of Birth.  
 2531. Duty of Sexton or Person in Charge of Cemetery.  
 2532. Duties of State Registrar.  
 2533. Duties of Local Registrars.  
 2534. Fees for Filing Certificate of Birth.  
 2535. Registration of Physicians, Midwife, and Undertaker.  
 2536. Hospital Record.  
 2537. Compensation of Local Registrar.  
 2538. Penalties.  
 2539. Registrars Charged With Duty of Enforcing This Act.

2515. State bureau of vital statistics—Creation of. For the complete and proper registration of births and death for legal, sanitary, and statisti-

cal purposes, there shall be and hereby is established and created a state bureau of vital statistics, to be under the immediate superintendence of the secretary of the state board of health of Montana, who shall be the state registrar.

History: Sec. 1764, Rev. C. 1907. Cal. Pol. C. Sec. 3074.

Note.—Sections 2515 to 2517 and 2520 to 2529 were enacted as sections 1 to 18, chapter 25, Laws of 1907, appearing as sections 1761 to 1781 inclusive, Revised Codes 1907.

Continuity of statutes in relation to vital statistics, see note in 8 A. L. R. A. (N. S.) 1919.

Who is a physician or surgeon within meaning of statute in relation to vital statistics, see note in 8 A. L. R. 1970.

**2516. State registrar to make rules and regulations.** The state registrar is hereby empowered to make, promulgate, and enforce such rules and regulations as he may consider necessary, with the approval of the majority of the members of the state board of health, to carry out the provisions of this act.

History: En. Sec. 1765, Rev. C. 1907. See also history of Sec. 2515. Cal. Pol. C. Sec. 3074.

**2517. Local registrars—Vital certificates.** The health officer of each city or town shall be the local registrar in and for the city or town of which he is health officer, and he shall perform all the duties of local registrar as hereinafter provided. And when it may appear necessary for the convenience of the people of any locality, the state registrar is hereby authorized, with the approval of the state board of health, to appoint one or more suitable and proper persons to act as subregistrars, who shall be authorized to receive certificates and to issue burial and removal permits in and for such portions of the county or district as may be designated in their appointments, and they shall be subject to the same requirements and obligation as the local registrars, and shall make returns directly to the state registrar, as hereinafter provided.

And any justice of the peace of any township is hereby required to act as local registrar of births and deaths for the district in which he resides when called upon to do so by the state registrar of births and deaths.

History: Sec. 1766, Rev. C. 1907; amd. Sec. 1, Ch. 39, L. 1911. See also history of Sec. 2515.

**2518. Local registrars must file duplicate returns with county clerk—Duty of clerk.** That every local registrar and subregistrar of births and deaths provided for by the preceding section, in addition to sending to the state registrar the returns required by law, must file duplicate returns with the county clerk in which said registrars are located, which returns so filed must be entered by the county clerk in the respective registers of births and deaths kept by such officer.

History: En. Sec. 1, Ch. 68, L. 1919. changed by the code commissioner to conform.—The above section has been changed by the code commissioner to conform to subsequent enactments.

**2519. Copies of returns to be transmitted to county clerk—Fees for copies, how paid.** That all local registrars and subregistrars in the state of Montana must, within ninety days after the passage and approval of this act, prepare copies of all the returns on file in their respective offices heretofore filed and entered in their offices, showing record of all births and deaths appearing in their respective records, and must send such

copies of such returns to the county clerk of the county in which they are resident, and shall receive as a fee for preparing and sending such copies of such records ten cents for each of such records, which sum shall be paid by the board of county commissioners on presentation of duly verified claim, showing the number of returns so certified and filed with the county clerk.

History: En. Sec. 2, Ch. 68, L. 1919.

**2520. Registry of births.** All physicians and professional midwives must keep a record of the time of each birth at which they assist professionally, the sex, race, and color of the child, and the names and residence of the parents, and must promptly report such facts to the local registrar.

History: En. Sec. 2371, Pol. C. 1895; changed by the code commissioner to conform to subsequent enactments.  
re-en. Sec. 1759, Rev. C. 1907. See also history of Sec. 2515. Cal. Pol. C. Sec. 3077.

Note.—The above section has been changed by the code commissioner to require registration of births and deaths, see note in Ann. Cas. 1912C, 686.

**2521. Registry of deaths.** Physicians who attend deceased persons in their last sickness, clergymen who officiate at a funeral, coroners who hold inquests, sextons and undertakers who bury deceased persons, must each keep a record of the name, age, residence, and time of death of such person and must promptly report such facts to the local registrar.

History: En. Sec. 2372, Pol. C. 1895; Note.—The above section has been changed by the code commissioner to conform to subsequent enactments.  
re-en. Sec. 1760, Rev. C. 1907. See also history of Sec. 2515. Cal. Pol. C. Sec. 3077.

**2522. Same.** If at any birth no physician or midwife attends, the parents must make a report to the local registrar.

History: En. Sec. 2374, Pol. C. 1895; Note.—The above section has been changed by the code commissioner to conform to subsequent enactments.  
re-en. Sec. 1762, Rev. C. 1907. See also history of Sec. 2515. Cal. Pol. C. Sec. 3077.

**2523. Duties of county clerk.** The county clerk must keep separate registers, to be known as the "Register of Births," and the "Register of Deaths," in which the births and deaths certified to him must be numbered in the order in which they are reported to him. There must be stated in each register, in separate columns, properly headed, the various facts contained in the certificates, and the name and official or clerical position of the person making the report. The county clerk must carefully examine each report, and register the same birth or death but once, although it may be reported by different persons.

History: En. Sec. 2375, Pol. C. 1895; Note.—The above section has been changed by the code commissioner to conform to subsequent enactments.  
re-en. Sec. 1763, Rev. C. 1907. See also history of Sec. 2515. Cal. Pol. C. Sec. 3078.

**2524. Certified copies of records—Fees.** Every county clerk is required to issue a certified copy of a record of birth or death upon demand of any such record on file in his office, and shall receive on behalf of the county as the fee for such certified copy the sum of twenty-five cents.

History: En. Sec. 3, Ch. 68, L. 1919.

2525. Registration of births. All births shall be registered in the district in which they occur as hereinafter provided.

History: Sec. 1767, Rev. C. 1907. See also history of Sec. 2515.

2526. Registration of deaths—Burial permits. The body of any person whose death occurs in the state shall not be interred, or otherwise disposed of, or removed from or into any registration district, until a permit for a burial or removal shall have been properly issued by the registrar of the district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him, as hereinafter provided. Still-born children, or those dead at birth, shall be registered as births and also as deaths, and a certificate of both the birth and death shall be filed in the usual manner.

History: Sec. 1768, Rev. C. 1907. See also history of Sec. 2515.

2527. Forms of registry certificates. The forms of certificates used in registering births and deaths under this act shall be the standard form recommended by the bureau of the census and the American public health association.

History: Sec. 1769, Rev. C. 1907. See also history of Sec. 2515.

2528. Death certificates and burial permits. The undertaker or person acting as undertaker shall be responsible for obtaining and filing the certificate of death with the registrar, and securing a burial permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them, and present the certificate to the attending physician for the medical certificate of the cause of death, and said attending physician shall, upon such certificate coming to his notice, forthwith, and without delay, make his certificate of the cause of death, and said undertaker shall then present the completed certificate to the registrar to secure the burial or removal permit. The undertaker shall deliver duplicate burial permit to the sexton, or person in charge of the place of burial, before interring the body. The medical certificate shall be made and signed by the attending physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw deceased alive, and the hour of the day at which the death occurred. And the cause of death and all other facts required shall in all cases be stated in accordance with the rules and regulations of the state registrar, and if any undertaker, attending physician, or registrar shall fail to perform any of the acts hereinabove prescribed, he shall be guilty of a misdemeanor.

History: Sec. 1770, Rev. C. 1907; amd. Sec. 1, Ch. 48, L. 1909. See also history of Sec. 2515.

2529. Same. In case of any death occurring without medical attendance it shall be the duty of the undertaker to notify the registrar of such death, and when so notified, the registrar shall inform the local health officer or coroner, and refer the case to him for immediate investigation and certification prior to issuing a burial permit.

History: Sec. 1771, Rev. C. 1907. See also history of Sec. 2515.

2530. **Certificate of birth.** The certificate of birth shall be made and filed by the attending physician or midwife within ten days after the date of birth. And if there is no attending physician or midwife, then it shall be the duty of the father of the child, householder or owner of the premises, or the head of the hospital or institution in which the birth occurs to make and file the certificate within ten days after birth.

**History:** Sec. 1772, Rev. C. 1907. See also history of Sec. 2515.

2531. **Duty of sexton or person in charge of cemetery.** No sexton or person in charge of any cemetery in which interments are made shall inter or permit the interment of any body unless it is accompanied by a burial permit as herein provided. And he shall indorse upon one of the permits the date of interment, over his signature, and return all permits so indorsed to the local registrar of his district within ten days from the date of interment. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker, which record shall at all times be open to public inspection.

**History:** Sec. 1773, Rev. C. 1907. See also history of Sec. 2515.

2532. **Duties of state registrar.** The state registrar shall prepare, print, and supply to all registrars all blanks and forms used in registration, recording, and preserving the returns, or in otherwise carrying out the purposes of this act, and shall prepare and issue such rules and regulations as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. He shall arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card-index of all births and deaths registered. He shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable, and dangerous to the public health, as declared by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases. And he shall annually certify to the treasurer of the several counties the number of births and deaths registered, and the names of the local registrars, with the amounts due each at the rate fixed herein.

**History:** Sec. 1774, Rev. C. 1907. See also history of Sec. 2515.

2533. **Duties of local registrars.** It shall be the duty of the local registrar or subregistrar to supply blank forms of certificates to such persons as require them. And he shall carefully examine each certificate of birth or death, when presented for record, to see that it has been made out in accordance with the provisions of this act and the instructions of the state registrar, and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defect in the return, and withhold issuing the burial permit until they are corrected. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker; provided, that in case the death occurred from some disease that is held by the state board of health to be infectious, contagious, or communicable, and dangerous to public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under the conditions prescribed by the



state and local boards of health. If a certificate of birth is incomplete, he shall immediately notify the informant and require him to supply the missing items if they can be obtained. He shall then number consecutively the certificates of births and deaths in two separate series, beginning with "number one" for the first birth and the first death in the calendar year, and sign his name as registrar in attestation of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate registered by him, upon a form identical with the original certificate, to be filed and properly preserved in his office as the local record of such birth and death, in such manner as directed by the state registrar, and he shall, on the fifth day of each month, transmit to the state registrar all the original certificates registered by him during the preceding month. And if no births or no deaths occur in any month, he shall, on the fifth day of the following month, report that fact to the state registrar in such manner as the state registrar shall direct.

History: Sec. 1775, Rev. C. 1907. See also history of Sec. 2515.

2534. Fees for filing certificate of birth. Each physician, midwife, father of child, householder, or owner of premises, manager or superintendent of public or private institution, or other person acting as informant and filing with the local registrar, within ten days after the birth of a child, a proper certificate correctly and legibly made out, and containing all the items required by the provisions of this act and the rules and regulations of the state registrar, shall be entitled to receive the sum of fifteen cents, to be paid by the treasurer of the county upon certification by the state registrar. Only one certificate shall be received of the birth of the same child, and the order of right to file the certificate shall be the same as the order of responsibility for filing as herein given. Certificates in which certain items are missing shall not be regarded as complete, and shall not be entitled to payment until the missing items have been supplied. And the state registrar shall annually certify to the treasurers of the several counties the number of births registered, with the name of the person registering them and the amounts due each at the rate fixed therein.

History: Sec. 1776, Rev. C. 1907. See also history of Sec. 2515.

2535. Registration of physicians, midwife, and undertaker. Every physician, midwife, and undertaker shall, without delay, register his or her name, address, and occupation with the local registrar of the district in which he or she resides, or may hereafter acquire residence, and shall thereupon be furnished by the registrar with a copy of this act, and such rules and regulations as may be prepared by the state registrar relative to its enforcement.

History: Sec. 1777, Rev. C. 1907. See also history of Sec. 2515.

2536. Hospital record. All superintendents or managers, or other persons in charge of hospitals or lying-in institutions, public or private, to which persons resort for treatment of disease, confinement, or are committed by process of law, are hereby required to make a record of all personal and statistical particulars relative to the inmates in their institutions at the date of the approval of this act, that are required in the form of certificate herein provided for, as directed by the state registrar. And

thereafter such records shall be made by them, for all future inmates, at the time of admission.

History: Sec. 1773, Rev. C. 1907. See also History of Sec. 2515.

**2537. Compensation of local registrar.** Each local registrar or sub-registrar shall be entitled to be paid the sum of twenty-five cents for each birth and each death certificate completely and properly made out and filed with him, to be paid by the treasurer of the county upon certification by the state registrar. He shall supply blank forms of certificate to such persons as require them, and shall carefully examine the certificates presented for record and require them to be properly made out. And he shall keep such records and make such returns to the state bureau as may be required by the rules and regulations of the state registrar.

History: Sec. 1779, Rev. C. 1907. See also history of Sec. 2515.

**2538. Penalties.** If any attending physician shall refuse or neglect to make the medical certificate of death herein required of him, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than five days nor more than twenty-five days, or by both such fine and imprisonment in the discretion of the court. And if any physician shall wilfully and knowingly make a false certificate of the cause of death in any case, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than twenty-five days nor more than one hundred days, or by both such fine and imprisonment in the discretion of the court. And any physician or midwife, or any other person with responsibility for reporting births, in the order named in section 2530 of this code, who shall refuse or neglect to make out and file the certificate of birth herein required, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars for each offense. And any sexton, undertaker, or other person who shall inter, remove, or otherwise dispose of the body of any deceased person, without the permit herein provided for, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars. And any registrar or subregistrar who shall neglect or fail to enforce the provisions of this act in his district, or shall refuse or neglect to perform any of the duties imposed upon him by this act or the rules and regulations of the state registrar, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars. And any person or corporation who shall violate any of the provisions of this act, or any of the rules or regulations formulated thereunder by the state registrar, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

History: Sec. 1780, Rev. C. 1907. See also history of Sec. 2515.

**2539. Registrars charged with duty of enforcing this act.** Local registrars and subregistrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts, under the

supervision of the state registrar. And they shall make an immediate report to the state registrar of any violation of this law coming to their notice by observation, or upon complaint of any person or otherwise. The state registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the state, and with supervisory power over local registrars, to the end that all requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this act to the prosecuting attorney of the proper county, with the statement of the facts and circumstances, and when any such case is reported to them by the state registrar, all prosecuting attorneys or officials acting in such capacity shall forthwith institute and promptly follow up the necessary court proceedings against the parties responsible for the alleged violation of law. And upon request of the state registrar, the attorney-general shall likewise assist in the enforcement of this act.

**History:** Sec. 1781, Rev. C. 1907. See also history of Sec. 2515.

Section 2519 (Comp. of returns of births and deaths for the year 1919).  
 Fees for copies, and which shall be paid to the registrar, or to the  
 state clerk, or to the 1917 registrar, or to the 1918 registrar.

## CHAPTER 233

### STATE BUREAU OF VITAL STATISTICS—REGISTRATION OF BIRTHS AND DEATHS

- Section 2515. State bureau of vital statistics—creation of.  
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**2515. State bureau of vital statistics—creation of.** For the complete and proper registration of births and deaths for legal, sanitary, and statistical purposes, there shall be and hereby is established and created a state bureau of vital statistics, to be under the immediate superintendence of the secretary of the state board of health of Montana, who shall be the state registrar.

History: En. Sec. 1, Ch. 25, L. 1907; re-en. Sec. 1764, Rev. C. 1907; re-en. Sec. 2515, R. C. M. 1921. Cal. Pol. C. Sec. 3671.

**2516. State registrar to make rules and regulations.** The state registrar is hereby empowered to make, promulgate, and enforce such rules and regulations as he may consider necessary, with the approval of the majority of the members of the state board of health, to carry out the provisions of this act.

History: En. Sec. 2, Ch. 25, L. 1907; re-en. Sec. 1765, Rev. C. 1907; re-en. Sec. 2516, R. C. M. 1921. Cal. Pol. C. Sec. 3671.

**2517. Local registrars.** The health officer of each city or town shall be the local registrar in and for the city or town of which he is health officer, and he shall perform all the duties of local registrar as hereinafter provided. And when it may appear necessary for the convenience of the

people of any locality, the state registrar is hereby authorized, with the approval of the state board of health, to appoint one or more suitable and proper persons to act as subregistrars, who shall be authorized to receive certificates and to issue burial and removal permits in and for such portions of the county or district as may be designated in their appointments, and they shall be subject to the same requirements and obligations as the local registrars, and shall make returns directly to the state registrar, as hereinafter provided.

And any justice of the peace of any township is hereby required to act as local registrar of births and deaths for the district in which he resides when called upon to do so by the state registrar of births and deaths.

History: En. Sec. 2, Ch. 25, L. 1907; re-en. Sec. 1766, Rev. C. 1907; and, Sec. 1, Ch. 39, L. 1911; re-en. Sec. 2517, R. C. M. 1921.

**2518. Local registrars must file duplicate returns with county clerk—duty of clerk.** That every local registrar and subregistrar of births and deaths provided for by the preceding section, in addition to sending to the state registrar the returns required by law, must file duplicate returns with the county clerk in which said registrars are located, which returns so filed must be entered by the county clerk in the respective registers of births and deaths kept by such officer.

History: En. Sec. 1, Ch. 68, L. 1919; re-en. Sec. 2518, R. C. M. 1921.

NOTE.—The above section has been changed by the code commissioner, 1921, to conform to subsequent enactments.

**2519. Omitted.**

**2520. Registry of births.** All physicians and professional midwives must keep a record of the time of each birth at which they assist professionally, the sex, race, and color of the child, and the names and residence of the parents, and must promptly report such facts to the local registrar.

History: En. Sec. 2871, Pol. C. 1895; re-en. Sec. 1753, Rev. C. 1907; re-en. Sec. 2520, R. C. M. 1921. Cal. Pol. C. Sec. 3677.

NOTE.—The above section has been changed by the code commissioner, 1921, to conform to subsequent enactments.

**2521. Registry of deaths.** Physicians who attend deceased persons in their last sickness, clergymen who officiate at a funeral, coroners who hold inquests, sextons and undertakers who bury deceased persons, must each keep a record of the name, age, residence, and time of death of such person and must promptly report such facts to the local registrar.

History: En. Sec. 2872, Pol. C. 1895; re-en. Sec. 1759, Rev. C. 1907; re-en. Sec. 2521, R. C. M. 1921.

NOTE.—The above section has been changed by the code commissioner, 1921, to conform to subsequent enactments.

**2522. Parents to report births, when.** If at any birth no physician or midwife attends, the parents must make a report to the local registrar.

History: En. Sec. 2874, Pol. C. 1895; re-en. Sec. 1762, Rev. C. 1907; re-en. Sec. 2522, R. C. M. 1921. Cal. Pol. C. Sec. 3677.

NOTE.—The above section has been changed by the code commissioner, 1921, to conform to subsequent enactments.

**2523. Duties of county clerk.** The county clerk must keep separate registers, to be known as the "register of births," and the "register of deaths," in which the births and deaths certified to him must be numbered in the order in which they are reported to him. There must be started in each register, in separate columns, properly headed, the various facts

contained in the certificates, and the name and official or clerical position of the person making the report. The county clerk must carefully examine each report, and register the same birth or death but once, although it may be reported by different persons.

History: En. Sec. 2875, Pol. C. 1895; NOTE.—The above section has been re-en. Sec. 1763, Rev. C. 1907; re-en. Sec. changed by the code commissioner, 1921, 2523, R. C. M. 1921. Cal. Pol. C. Sec. 3078. to conform to subsequent enactments.

2524. Certified copies of records—fees. Every county clerk is required to issue a certified copy of a record of birth or death upon demand of any such record on file in his office, and shall receive on behalf of the county as the fee for such certified copy the sum of twenty-five cents.

History: En. Sec. 3, Ch. 68, L. 1919; re-en. Sec. 2524, R. C. M. 1921.

2525. Registration of births in district of occurrence. All births shall be registered in the district in which they occur as hereinafter provided.

History: En. as one of Secs. 1 to 18, Ch. 25, L. 1907; re-en. Sec. 1767, Rev. C. 1907; re-en. Sec. 2525, R. C. M. 1921.

2526. Registration of deaths—burial permits. The body of any person whose death occurs in the state shall not be interred, or otherwise disposed of, or removed from or into any registration district, until a permit for a burial or removal shall have been properly issued by the registrar of the district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him, as hereinafter provided. Still-born children, or those dead at birth, shall be registered as births and also as deaths, and a certificate of both the birth and death shall be filed in the usual manner.

History: En. Sec. 5, Ch. 25, L. 1907; re-en. Sec. 1768, Rev. C. 1907; re-en. Sec. 2526, R. C. M. 1921.

2527. Forms of registry certificates. The forms of certificates used in registering births and deaths under this act shall be the standard form recommended by the bureau of the census and the American public health association.

History: En. Sec. 6, Ch. 25, L. 1907; re-en. Sec. 1769, Rev. C. 1907; re-en. Sec. 2527, R. C. M. 1921.

2528. Death certificates and burial permits. The undertaker or person acting as undertaker shall be responsible for obtaining and filing the certificate of death with the registrar, and securing a burial permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them, and present the certificate to the attending physician for the medical certificate of the cause of death, and said attending physician shall, upon such certificate coming to his notice, forthwith, and without delay, make his certificate of the cause of death, and said undertaker shall then present the completed certificate to the registrar to secure the burial or removal permit. The undertaker shall deliver duplicate burial permit to the sexton, or person in charge of the place of burial, before interring the body. The medical certificate shall be made and signed by the attending physician, if any, last in attendance on the deceased, who shall specify the

time in attendance, the time he last saw deceased alive, and the hour of the day at which the death occurred. And the cause of death and all other fact required shall in all cases be stated in accordance with the rules and regulations of the state registrar, and if any undertaker, attending physician, or registrar shall fail to perform any of the acts hereinabove prescribed, he shall be guilty of a misdemeanor.

History: En. Sec. 25, Ch. 25, L. 1907; re-en. Sec. 1770, Rev. C. 1907; and, Sec. 1, Ch. 48, L. 1909; re-en. Sec. 2528, R. C. M. 1921.

2529. When undertaker to notify registrar of deaths. In case of any death occurring without medical attendance it shall be the duty of the undertaker to notify the registrar of such death, and when so notified, the registrar shall inform the local health officer or coroner, and refer the case to him for immediate investigation and certification prior to issuing a burial permit.

History: En. Sec. 8, Ch. 25, L. 1907; re-en. Sec. 1771, Rev. C. 1907; re-en. Sec. 2529, R. C. M. 1921.

2530. Certificate of birth. The certificate of birth shall be made and filed by the attending physician or midwife within ten days after the date of birth. And if there is no attending physician or midwife, then it shall be the duty of the father of the child, householder or owner of the premises, or the head of the hospital or institution in which the birth occurred, to make and file the certificate within ten days after birth.

History: En. Sec. 9, Ch. 25, L. 1907; re-en. Sec. 1772, Rev. C. 1907; re-en. Sec. 2530, R. C. M. 1921.

2531. Duty of sexton or person in charge of cemetery. No sexton or person in charge of any cemetery in which interments are made shall inter or permit the interment of any body unless it is accompanied by a burial permit as herein provided. And he shall indorse upon one of the permits the date of interment, over his signature, and return all permits so indorsed to the local registrar of his district within ten days from the date of interment. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker, which record shall at all times be open to public inspection.

History: En. Sec. 10, Ch. 25, L. 1907; re-en. Sec. 1773, Rev. C. 1907; re-en. Sec. 2531, R. C. M. 1921.

2532. Duties of state registrar. The state registrar shall prepare, print, and supply to all registrars all blanks and forms used in registration, recording, and preserving the records, or in otherwise carrying out the purposes of this act, and shall prepare and issue such rules and regulations as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. He shall arrange, plan, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card-index of all births and deaths registered. He shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable, and shall cause to be published in the official gazette of the state board of health, and that when deaths occur from such diseases proper precautions may be taken

to prevent the spreading of dangerous diseases. And he shall annually certify to the treasurer of the several counties the number of births and deaths registered, and the names of the local registrars, with the amounts due each at the rate fixed herein.

History: En. Sec. 11, Ch. 25, L. 1907; re-en. Sec. 1774, Rev. C. 1907; re-en. Sec. 2532, R. C. M. 1921.

2533. Duties of local registrars. It shall be the duty of the local registrar or subregistrar to supply blank forms of certificates to such persons as require them. And he shall carefully examine each certificate of birth or death, when presented for record, to see that it has been made out in accordance with the provisions of this act and the instructions of the state registrar, and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defect in the return, and withhold issuing the burial permit until they are corrected. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker; provided, that in case the death occurred from some disease that is held by the state board of health to be infectious, contagious, or communicable, and dangerous to public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under the conditions prescribed by the state and local boards of health. If a certificate of birth is incomplete, he shall immediately notify the informant and require him to supply the missing items if they can be obtained. He shall then number consecutively the certificates of births and deaths in two separate series, beginning with "number one" for the first birth and the first death in the calendar year, and sign his name as registrar in attestation of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate registered by him, upon a form identical with the original certificate, to be filed and properly preserved in his office as the local record of such birth and death, in such manner as directed by the state registrar, and he shall, on the fifth day of each month, transmit to the state registrar all the original certificates registered by him during the preceding month. And if no births or no deaths occur in any month, he shall, on the fifth day of the following month, report that fact to the state registrar in such manner as the state registrar shall direct.

History: En. Sec. 12, Ch. 25, L. 1907; re-en. Sec. 1775, Rev. C. 1907; re-en. Sec. 2533, R. C. M. 1921.

2534. Fees for filing certificate of birth. Each physician, midwife, father of child, householder, or owner of premises, manager or superintendent of public or private institution, or other person acting as informant and filing with the local registrar, within ten days after the birth of a child, a proper certificate correctly and legibly made out, and containing all the items required by the provisions of this act and the rules and regulations of the state registrar, shall be entitled to receive the sum of fifteen cents, to be paid by the treasurer of the county upon certification by the state registrar. Only one certificate shall be received of the birth of the same child, and the order of right to file the certificate shall be the same as the order of responsibility for filing as herein given. Certifi-



ates in which certain items are missing shall not be regarded as complete, and shall not be entitled to payment until the missing items have been supplied. And the state registrar shall annually certify to the treasurers of the several counties the number of births registered, with the name of the person registering them and the amounts due each at the rate fixed therein.

History: En. Sec. 13, Ch. 25, L. 1907; re-en. Sec. 1776, Rev. C. 1907; re-en. Sec. 2534, R. C. M. 1921.

**2535. Registration of physicians, midwife, and undertaker.** Every physician, midwife, and undertaker shall, without delay, register his or her name, address, and occupation with the local registrar of the district in which he or she resides, or may hereafter acquire residence, and shall thereupon be furnished by the registrar with a copy of this act, and such rules and regulations as may be prepared by the state registrar relative to its enforcement.

History: En. Sec. 14, Ch. 25, L. 1907; re-en. Sec. 1777, Rev. C. 1907; re-en. Sec. 2535, R. C. M. 1921.

**2536. Hospital record.** All superintendents or managers, or other persons in charge of hospitals or lying-in institutions, public or private, to which persons resort for treatment of disease, confinement, or are committed by process of law, are hereby required to make a record of all personal and statistical particulars relative to the inmates in their institutions at the date of the approval of this act, that are required in the form of certificate herein provided for, as directed by the state registrar. And thereafter such records shall be made by them, for all future inmates, at the time of admission.

History: En. Sec. 15, Ch. 25, L. 1907; re-en. Sec. 1778, Rev. C. 1907; re-en. Sec. 2536, R. C. M. 1921.

**2537. Compensation of local registrar.** Each local registrar or sub-registrar shall be entitled to be paid the sum of twenty-five cents for each birth and each death certificate completely and properly made out and filed with him, to be paid by the treasurer of the county upon certification by the state registrar. He shall supply blank forms of certificate to such persons as require them, and shall carefully examine the certificates presented for record and require them to be properly made out. And he shall keep such records and make such returns to the state bureau as may be required by the rules and regulations of the state registrar.

History: En. Sec. 16, Ch. 25, L. 1907; re-en. Sec. 1779, Rev. C. 1907; re-en. Sec. 2537, R. C. M. 1921.

**2538. Penalties.** If any attending physician shall refuse or neglect to make the medical certificate of death herein required of him, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than five days nor more than twenty-five days, or by both such fine and imprisonment in the discretion of the court. And if any physician shall wilfully and knowingly make a false certificate of the cause of death in any case, he shall be

guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than twenty-five days nor more than one hundred days, or by both such fine and imprisonment in the discretion of the court. And any physician or midwife, or any other person with responsibility for reporting births, in the order limited in section 2530 of this code, who shall refuse or neglect to make out and file the certificate of live births required, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars for each offense. And any section, caretaker, or other person who shall conceal, remove, or otherwise dispose of the body of any deceased person, within the period therein provided for, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars nor more than one hundred dollars. And any registrar or clerk who shall refuse or fail to comply with the provisions of this act, or shall refuse or neglect to file or deposit with any of the officers designated in this act or under the provisions of the state registrar, such certificate of live births or any other document thereof, shall be fined not less than ten dollars nor more than one hundred dollars. And any person who shall violate any of the provisions of this act, or any of the rules or regulations formulated or declared by the state registrar, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

History: En. Sec. 17, Ch. 25, L. 1907; re-en. Sec. 1700, Rev. C. 1907; re-en. Sec. 2530, R. C. M. 1921.

2533. Registrars charged with duty of enforcing act. Local registrars and subregistrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts, under the supervision of the state registrar. And they shall make an immediate report to the state registrar of any violation of this law coming to their notice by observation, or upon complaint of any person or otherwise. The state registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the state, and with supervisory power over local registrars, to the end that all requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this act to the prosecuting attorney of the proper county, with the statement of the facts and circumstances, and when any such case is reported to them by the state registrar, all prosecuting attorneys or officials acting in such capacity shall forthwith institute and promptly follow up the necessary court proceedings against the parties responsible for the alleged violation of law. And upon request of the state registrar, the attorney general shall likewise assist in the enforcement of this act.

History: En. Sec. 18, Ch. 25, L. 1907; re-en. Sec. 1781, Rev. C. 1907; re-en. Sec. 2533, R. C. M. 1921.

#### CHAPTER 44

Act to Secure Complete Data Pertaining to Births, Deaths, Stillbirths, Legitimations, Adoptions, Marriages, Divorces and Annulments of Marriage; to Authorize and Regulate the Use of Vital Statistics Records as Evidence; Define Terms, Providing Penalties, Publication of Regulation and Appointment of Registrars; to Authorize the State Board of Health to Make Regulations for the Enforcement of This Act, and Repealing Sections 2515 to 2539, Both Inclusive, of the Revised Codes of Montana of 1935.

Section 1. Def. Mon. As used in this act:

Definitions:  
"Vital  
statistic".

(1) "Vital statistics" includes the registration, preparation, and transcription, collection, compilation and preservation of data pertaining to births, adoptions, legitimations, deaths, stillbirths, marital status and data incidental thereto.

"Live birth".

(2) "Live birth" means the birth of a child who shows evidence of life after the child is entirely outside the mother.

"Stillbirth".

(3) "Stillbirth" means a birth after twenty (20) weeks of gestation which is not a live birth.

"Dead body".

(4) "Dead body" means lifeless human body or such parts of the human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.

"Person in  
charge of  
interment".

(5) "Person in charge of interment" means any person who places or causes to be placed a stillborn child or

dead body of the above, after exhumation, in a grave, vault, urn or other receptacle, or otherwise disposes thereof.

(6) "Physician" means a person legally authorized to practice medicine in this state.

"Physician".

(7) "Board" means state board of health.

"Board".

Section 2. Duties of State Board of Health. The state board of health shall:

(1) Establish a bureau of vital statistics with suitable offices properly equipped for the preservation of its official records;

Duties of  
State Board  
of Health.

(2) Install a statewide system of vital statistics;

(3) Make and may amend necessary regulations, give instructions and prescribe forms for collecting, transcribing, compiling and preserving vital statistics; and

(4) Enforce this act and the regulations made pursuant thereto.

Section 3. Publication of Regulations. The regulations of the board shall take effect after passage and approval by the board.

Publication  
of  
Regulations.

Section 4. Registration Districts. The board shall divide the state from time to time into registration districts which shall conform to political subdivisions, or combinations thereof, or of parts thereof.

Registration  
districts.

Section 5. Appointment of State Registrar: Qualifications; Compensation. The Board shall appoint a state registrar of vital statistics, who shall be qualified in accordance with standards of education and experience as the board shall determine and fix his compensation.

Appointment  
of State  
Registrar:  
Qualifications;  
compensation.

Section 6. **Duties of State Registrar.** The state registrar, under the supervision of the state health officer, shall have charge of the bureau of vital statistics and be the custodian of all its files and records, and perform the duties prescribed by the board. He shall enforce this act and the regulations of the board and have supervisory power over local registrars. He shall submit to the board a biennial report of the administration of this act.

Section 6.  
State Registrar

Section 7. **Local Registrars and Deputies.** The board on the recommendation of the state registrar shall appoint

Section 7. Local Registrars and Deputies.

local registrars. A local registrar with the approval of the state registrar may appoint deputies. The local registrars shall immediately report to the state registrar violations of this act or the regulations of the board.

Other employees.

Section 8. **Other Employees.** The board shall provide other necessary assistance and determine the status, compensation and duties of persons thus employed.

Compulsory registration of births.

Section 9. **Compulsory Registration of Births.** Within the time prescribed by the board a certificate of every birth shall be filed with the local registrar of the district in which the birth occurred, by the physician, midwife, or other legally authorized person in attendance at the birth; or if not so attended, by one of the parents.

Local Registrar to prepare birth certificate.

Section 10. **Local Registrar to Prepare Birth Certificate.** If neither parent of the newborn child whose birth is unattended as above provided is able to prepare a birth certificate, the local registrar shall secure the necessary information from any person having knowledge of the birth and prepare and file the certificate. The board shall prescribe the time within which a supplementary report furnishing information omitted from the original certificate may be returned for the purpose of completing the certificate. Certificates of birth completed by the supplementary report shall not be considered "delayed" or "altered".

Section 11. **Registration of Foundlings; Foundling Report.**

Registration of foundlings—report.

(1) Whoever assumes the custody of a child of unknown parentage shall immediately report to the local registrar in writing: (a) the date and place of finding or assumption of custody; (b) sex; color or race; and approximate age of child; (c) name and address of the person or institution with whom the child has been placed for care, and (d) name given to the child by the finder or custodian.

(2) The place where the child was found or custody assumed shall be known as the place of birth and the date of birth shall be determined by approximation.

(3) The report shall constitute the certificate of birth.

(4) If the child is identified and a regular certificate

If death is found or obtained, the report shall be sealed and then may only be opened only by court action.

Section 12. Registration of Deaths and Stillbirths. A certificate of every death or stillbirth shall be filed with the local registrar of the district in which the death or stillbirth occurred within three (3) days after the occurrence is known; or if the place of death or stillbirth is not known then with the local registrar of the district in which the body is found within twenty-four (24) hours thereafter. In every instance a certificate shall be filed prior to interment or other disposition of the body.

Registration  
of deaths  
and still-  
births.

#### Section 13. Death and Stillbirth Certificates.

(1) The person in charge of interment shall file, with the local registrar of the district in which the death or stillbirth occurred or the body was found a certificate of death or stillbirth within three (3) days after the occurrence.

Death and  
stillbirth  
certificates.

(2) In preparing a certificate of death or stillbirth the person in charge of interment shall obtain and enter on the certificate the personal data required by the board from the persons best qualified to supply them. He shall present the certificate of death to the physician last in attendance upon the deceased or to the coroner having jurisdiction who shall thereupon certify the cause of death according to his best knowledge and belief. He shall present the certificate of stillbirth to the physician, midwife or other person in attendance at the stillbirth, who shall certify the stillbirth and such medical data pertaining thereto as he can furnish.

Certificate  
of stillbirth.

(3) Thereupon the funeral director or person in charge of interment shall notify the appropriate local registrar. If the death occurred without medical attendance, or the physician last in attendance fails to sign the death certificate. Then the local registrar may complete the certificate on the basis of information received from relatives of the deceased or others having knowledge of the facts. If the circumstances suggest that the death or stillbirth was caused by other than natural causes, the local registrar shall refer the case to the coroner for investigation and certification.

Reference  
to coroner,  
when.

#### Section 14. Delayed Determination of Cause of Death.

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|--|--|
| Delayed determination of cause of death. | <p>Section 14. <b>Delayed Determination of Cause of Death.</b> If, upon the application of the state registrar, the United States bureau of the census determines that the cause of death of a person is not ascertainable from the records of the state registrar, it may, in its discretion, delay, in order to determine the disposition of the body, any inquest.</p>  |
| Form of certificates.                    | <p>Section 15. <b>Form of Certificates.</b> The forms of certificates shall be prescribed by the United States bureau of the census subject to approval of and modification by the board. The form and use of such certificate shall be subject to the provisions of Section 25.</p>   |
| Certificates of evidence.                | <p>Section 16. <b>Certificates of Evidence.</b> Certificates filed within six (6) months after the time prescribed therefore shall be prima facie evidence of the facts therein stated. Data therein pertaining to the father of a child are prima facie evidence only if the alleged father is the husband of the mother; if not, the data pertaining to the father of a child are not evidence in any proceeding adverse to the interests of the alleged father, or of his heirs, next of kin, devisees, legatees or other successors in interest, if the paternity is controverted.</p> |
| Certified copies.                        | <p>Section 17. <b>Certified Copies.</b></p> <p>(1) Subject to the requirements of Sections 21, 22 and 23 the state registrar shall, upon request, furnish to any applicant a certified copy of any certificate, or any part thereof.</p> <p>(2) Copies of the contents of any certificate on file in the bureau of vital statistics or any part thereof, certified by the state registrar shall be considered for all purposes the same as the original, subject to the requirements of Sections 21, 22 and 23.</p>  |
| Fees for copies and searches.            | <p>Section 18. <b>Fees for Copies and Searches.</b> The board shall prescribe the fees if any to be paid for certified copies of certificates, or for search of the files or records when no certified copy is made. Subject to Sections 21, 22 and 23, the United States bureau of the census may obtain transcripts, or without payment of fees, certified copies, provided the state is put to no expense in connection therewith.</p>  |

Section 19. Accounting for Fees. The state registrar shall keep an account of all fees received and turn the same over to the state treasurer to be placed in general fund. The state registrar shall give a fidelity bond approved by the board in the penal amount of one thousand dollars (\$1,000.00).

Accounting for fees.

Section 20. Delayed or Altered Certificates. A person born in this state may, he or having a certificate after the time herein prescribed, upon submitting such proof as shall be required by the board or by any court.

Delayed or altered certificates.

Section 21. Delayed and Altered Certificates; Procedure.

(1) Certificates accepted subsequent to six (6) months after the time prescribed for filing, and certificates which have been altered after being filed with the state registrar, shall contain the date of the delayed filing and the date of the alteration and be marked "delayed" or "altered".

Delayed and altered certificates; procedure.

(2) A summary statement of the evidence submitted in support of the acceptance for delayed filing or alteration shall be endorsed on the certificate or on the back of the same.

(3) Such evidence shall be kept in a special permanent file.

Section 21-A. Court Procedure to Establish Date and Place of Birth and Parentage.

(1) Any person born in this state may petition any court of record of the county in which he resides or was born for an order establishing a public record of the time and place of his birth and his parentage. The petition shall be verified by him and shall allege the facts which he claims entitle him to such an order. The court shall fix the time and place of hearing the petition.

Court procedure to establish date and place of birth and parentage.

(2) If the court is satisfied from the evidence received at the hearing of the truth of the allegations of the petition and of the facts as to the time and place of the petitioner's birth and of his parentage, and that he resides in the county or was born there, the court shall make and enter an order reciting the jurisdictional facts and determining the time and place of the petitioner's birth and

Order of court.



the names of his parents, and any other facts deemed relevant by the court.

**Recording.**

(3) The order or a certified copy thereof may be recorded in the office of the county clerk of the county and in the office of the state bureau of vital statistics.

**Order as evidence.**

(4) The order, the record thereof, and certified copies of the order or of the records shall be evidence of the truth of their contents and be admissible as proof thereof at all times and places the same as certificates of birth mentioned in Section 16. From the records thus received from the court the state bureau of vital statistics shall make a transcript of the important facts and make a delayed birth certificate on a form prescribed by the board. A certified copy of this delayed birth certificate shall constitute prima facie proof of the facts recited in it.

**Delayed birth certificate.**

**Delayed or altered certificates as evidence.**

Section 22. **Delayed or Altered Certificates as Evidence.** The probative value of a "delayed" or "altered" certificate shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

**Section 23. Disclosure of Records.**

**Disclosure of records.**

(1) The records and files of the bureau of vital statistics are open to inspection, subject to the provisions of this act and regulations of the board; but it is unlawful for any officer or employee of the state to disclose data contained in vital statistics records, except as authorized by this act and by the board.

**Disclosure of illegitimacy upon court order.**

(2) **Disclosure of Illegitimacy of Birth or of Information from which it can be ascertained,** may be made only upon order of a court in a case where such information is necessary for the determination of personal or property rights and then only for such purpose.

**Inspection of records permitted, when.**

(3) The state registrar shall not permit inspection of the records or issue a certified copy of a certificate or part thereof unless he is satisfied that the applicant therefor has a direct and tangible interest in the matter recorded and that the information therein contained is necessary for the determination of personal or property rights. His decision shall be subject, however, to review by the board or a court under the limitations of this section.

(4) The board may permit the use of data contained in vital statistics records for research purposes, but no identifying use thereof shall be made.

(5) Subject to the provisions of this section the board may direct the state registrar to make a return upon the filing with him of birth, death, and stillbirth certificates and of certain data shown thereon to federal, state or municipal agencies.

Section 24. In case of adoption of a person born in the State of Montana, it shall be the duty of the clerk of the district court to forward, by the first day of the following month a certified copy of the final order of adoption to the registrar of vital statistics of the state board of health. The state registrar upon receipt of the certified copy of the order of adoption shall prepare a substitute certificate in the new name of the adopted person, naming the true date and place of birth and sex of said adopted person, and statistical particulars of the foster parents in place of the natural parents. The state registrar shall strike out the words "ATTENDANT'S OWN SIGNATURE" on the substitute record and insert in their stead the words "STATE REGISTRAR" and sign as such, and all dates of recording are to be left as on the original. And the state registrar shall make such a substitute birth certificate if furnished with a certified copy of adoption for any birth certificate now in his custody. The state registrar shall send copies of the substitute record to the local registrar and to the county clerk and recorder, to be substituted for the copies of the original record in their possession. The local registrar and the county clerk and recorder shall forthwith enter the substitute record in their files and shall forward immediately to the state registrar the copies of the original birth record to be sealed with the original record in the files of the state registrar. Such sealed documents may be opened by the state registrar only upon the demand of the adopted person if of legal age, or by order of a court of competent jurisdiction. Upon receipt of a certified copy of a court order of annulment of adoption, the state registrar shall restore the original certificate to its original place in the files.

Adoption,  
order of,  
Clerk of  
Court.

Substitute  
birth certificate.

Section 25. Legitimation. In cases of legitimation the state registrar shall prepare a birth certificate in the name of the child as legitimated.

Legitimation.

a new certificate of birth in the new name of the legitimated child. The evidence upon which the new certificate is made and the original certificate shall be sealed and filed and may be opened only upon order of court. In substituting records in case of legitimation the same procedure shall be followed as provided in the section on adoptions.

Persons  
required to  
make records.

Section 24. **Persons Required to Make Records.** Persons in charge of institutions for care or correction or for treatment of disease, injury or childbirth shall record and report all statistical data required by this act relating to their inmates or patients.

Permit for  
removal,  
burial or  
other dis-  
position.

Section 27. **Permit for Removal, Burial, or Other Disposition.** When a death or stillbirth occurs or a dead body is found the body shall not be disposed of or removed from the registration district until a permit has been issued by the local registrar.

Foreign  
permit for  
removal,  
burial, or  
other dis-  
position  
of body.

Section 28. **Foreign Permit for Removal, Burial, or Other Disposition of Body.** When death or stillbirth occurs outside this state and the body is accompanied by a permit for burial, removal or other disposition issued in accordance with the law and regulations in force where the death or stillbirth occurred, the permit shall authorize the transportation of the body into or through this state but before the burial, cremation or other disposal of the body within this state the permit shall be endorsed by the local registrar who shall keep a record thereof.

Prerequis-  
ites for  
permit.

Section 29. **Prerequisites for Permit.** No permit under Section 27 shall issue until a certificate of death or stillbirth, as far as it can be completed under the circumstances of the case, has been filed and until all the regulations of the board in respect to the issuance of such permit have been complied with.

Transmittal  
of certificates  
to State  
Registrar.

Section 30. **Transmittal of Certificates to State Registrar.** Local registrars shall transmit all original certificates filed with them to the state registrar in accordance with regulations of the board, after having made duplicate copies of such certificates to be filed with the county clerk and recorder.

Compensa-  
tion of local  
registrars.

Section 31. **Compensation of Local Registrars.** Each local registrar shall be paid the sum of twenty-five cents (25c) for each complete birth, death or stillbirth certificate

returned by him to the state registrar in accordance with the regulations of the board. In case no birth, death or stillbirth was registered during any calendar month, the local registrar shall so report and be paid the sum of twenty-five cents (25c) for the report. The board is authorized to change by regulation the amounts specified herein to be paid to local registrars and the board shall limit the aggregate amount of fees to be paid per annum to any local registrar either by setting an annual aggregate maximum of such fees or by prorating the fees according to the number of registrations.

Section 32. **Payment of Fees.** Upon certification by the state registrar the fees of local registrars shall be paid by the treasurer of the proper county, out of the general fund of the county. The state registrar annually shall certify to the treasurer of the several counties the number of births, stillbirths and deaths certified from his county with the names of the local registrars and the amount due each.

Payment  
of fees.

Section 33. **Registration of Marriage; Marriage Certificates Filed.** Every clerk of district court who issues a marriage decree shall forward to the state registrar on or before the fifteenth of each calendar month certification of certain information contained on marriage licenses or forms prescribed by the state registrar from each certificate of marriage which was filed with him during the preceding calendar month.

Registration  
of marriages;  
marriage  
certificates  
filed.

Section 34. **Marriage License Fees.** Every officer authorized to issue marriage licenses shall be paid a recording fee of twenty-five cents (25c) for each marriage certificate filed with him and forwarded by him to the state registrar. The recording fee shall be paid by the applicant for the license and be collected together with the fee for the license.

Marriage  
license fees.

Section 35. **Registration of Divorces, Annulments and Adoptions.** For each divorce, annulment of marriage, adoption or annulment of adoption, the clerk of the court shall prepare within thirty (30) days after the decree becomes final, certificate of such decree on a form prescribed by the state registrar; and before the fifteenth day of each calendar month the clerk shall forward to the state registrar the certificates prepared by him during the preceding calendar month.

Registration  
of divorces,  
annulments  
and adoptions.

Section 36. Penalties.

(1) Any person who willfully makes or causes to be made any false certificate or certified copy thereof provided for in this act, except in accordance with the provisions of this act, shall be fined not more than one thousand dollars (\$1,000.00), or be imprisoned not exceeding six (6) months, or both fined and imprisoned.

(2) Any person who knowingly transports or receives for transportation, internment or other disposition a dead body without an accompanying permit issued in accordance with the provisions of this act, shall be fined not more than five hundred dollars (\$500.00).

(3) Except where a different penalty is provided in this section, any person who violates any of the provisions of this act or neglects or refuses to perform any of the duties imposed upon him by this act, shall be fined not more than one hundred dollars (\$100.00).

Section 37. Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application, and to this end the provisions of this act are declared to be severable.

Section 38. Uniformity of Interpretation. This act shall be so construed as to effectuate its general purpose.

Section 39. Short Title. This act may be cited as the "Uniform Vital Statistics Act".

Section 40. Repeal. Sections 2515 to 2539 both inclusive of the Revised Codes of Montana of 1935 and all acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Approved February 13, 1943.

## CHAPTER 10

An Act Providing a Means by Which Any Citizen May Have His Birth Date Judicially Determined; Providing for the Notice to be Given of a Hearing; Giving to the District Courts Jurisdiction Thereof; Providing for an Appeal; and Describing the Fees to be Paid to the Clerk of Court in the Section Hereof.

*Enacted by the Legislative Assembly of the State of Montana:*

Section 1. For the purpose of having a judicial determination of the date of birth, any citizen of the United States, either natural born or naturalized, may file with the clerk of the district court of the county of his residence a petition, which petition must be duly verified by the petitioner, and must contain the following:

Petition for judicial determination of date of birth.

A. That the petitioner is a citizen of the United States; that he has resided in the State of Montana for one (1) year last past and in the county in which the action is brought for at least ninety (90) days immediately preceding the commencement of the action; the place of his birth; the names of his parents, together with the place of the birth of each of his parents and their address, if they are living; the name and address of each of his brothers and sisters; if the address of either of the parents or of any of the brothers or sisters are not known, then their last known place of address must be given.

Contents of.

B. If the petitioner was born outside of the United States then the petition must state whether his parents came to the United States; and if so, where they came and where they resided or reside; whether they or either of them were naturalized within the United States; and if so, when and where such naturalization took place.

In case of foreign born petitioner.

Section 2. Upon the filing of this petition with the clerk of the district court an order shall be made by the court or judge thereof fixing the date of the hearing of such petition, and directing the notice of such hearing to be published in some newspaper published in the county in which the action is brought, and to be given to the petitioner and to the clerk of the court. No appeal shall be taken from the order of the court or judge thereof fixing the date of the hearing of such petition, and the hearing of such petition shall be held on the date so fixed, and the court or judge thereof shall determine the date of birth of the petitioner.

Date and place of hearing.

Any citizen of the United States may appear and object to the granting of such petition, but any such objections shall be made in writing.

Objections.

Section 3. At the time fixed for the hearing of such petition the petitioner must appear and testify. Upon the hearing thereof, affidavits shall be received in evidence and shall have the same force and effect as if the testimony had been taken by deposition. If the court shall be satisfied by competent evidence of the sufficiency of the peti-

Hearing and  
Judgment.

tion that the applicant is a citizen of the United States; that he has been a citizen of the State of Montana for one (1) year last past; and of the county for more than ninety (90) days preceding the filing of the petition, and that the applicant's date of birth is proven, then the court shall render judgment accordingly and that judgment shall constitute conclusive evidence of the date of the birth of the applicant.

Fees.

Section 4. That the petitioner, upon the filing of the petition, must pay to the clerk of court a fee of one dollar (\$1.00), and upon the entry of judgment the applicant must pay to the clerk of court an additional fee of one dollar (\$1.00). No charge shall be made for posting of the copies required hereunder. If the applicant shall provide a true copy of the judgment rendered, then the clerk of court must certify the same without additional charge. That the clerk of the court shall certify to two copies of such judgment, and file one with the bureau of vital statistics, state board of health, Helena, Montana, and the other with the county clerk and recorder of the county in which the judgment was obtained.

Certified  
copies of  
judgment  
to be filed,  
where.

Transfer of  
proceedings  
to proper  
county.

Section 5. If, upon the hearing of the petition it shall appear that the petitioner is entitled to have judgment entered as herein provided, but that the petition has been filed in the wrong county, then the court shall, by appropriate order, direct that the proceeding be transferred to the proper county.

Jurisdiction  
of district  
courts,  
appeal.

Section 6. The district courts of this state shall have exclusive jurisdiction to hear and determine all appeals hereunder. Any objection or ground from the judgment rendered to sustain in civil actions.

Repealing  
clause.

Section 7. All laws and parts of acts in conflict herewith are hereby repealed.

Approved February 2, 1904.

# Section

- Sec. 1001. Definitions.
- Sec. 1002. Vital statistics.
- Sec. 1003. Live birth.
- Sec. 1004. Stillbirth.
- Sec. 1005. Dead body.
- Sec. 1006. Person in charge of interment.
- Sec. 1007. Physician.
- Sec. 1008. Board.
- Sec. 1009. Short title.

## 10001. Definitions. As used in this act:

"Vital statistics" includes the registration, preparation, and transmission, collection, compilation and preservation of data pertaining to rates, adoptions, legitimations, deaths, stillbirths, marital status and data incidental thereto.

"Live birth" means the birth of a child who shows evidence of life after the child is entirely outside the mother.

"Stillbirth" means a birth after twenty (20) weeks of gestation which is not a live birth.

"Dead body" means lifeless human body or such parts of the human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.

"Person in charge of interment" means any person who places or causes to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes of the same.

"Physician" means a person legally authorized to practice medicine.

"Board" means state board of health.

History: L. 1901, Ch. 1, Sec. 1, C. 1, L. 1901. Secs. 2518 to 2550, R. O. 12, 1901 and  
amended with Ch. 25, L. 1907; re-Ch. 1, C. 12, 1909.  
and 170, to 1701, Rev. C. 1907; re-Ch.

NOTE.—Uniform State Law, Sections 100-1001 through 100-1009 constitute the "Uni-



Sec. 1001. Statutes. Acts of the Legislature of the states of Louisiana, Mississippi, Alabama, Georgia, Florida, Arkansas, Tennessee, Kentucky, West Virginia, Texas, and Oklahoma, since laws in the following chapters:

CO-500. Duties of state board of health. (The state board of health shall

(1) Establish a library of vital statistics with suitable officers properly equipped for the preservation of its allied records;

(2) Insure a state-wide system of vital statistics;

(3) Make any necessary regulations, give instructions and prescribe forms for collection, transcribing, compiling and preserving vital statistics; and

(4) Enforce this act and the regulations made pursuant thereto.

History: En. Sec. 2, Ch. 44, L. 1943.

CO-500. Publication of regulations. The regulations of the board shall take effect after passage and approval by the board.

History: En. Sec. 3, Ch. 44, L. 1943.

CO-501. Registration districts. The board shall divide the state from time to time into registration districts which shall conform to political subdivisions, or combinations thereof, or of parts thereof.

History: En. Sec. 4, Ch. 44, L. 1943.

CO-502. Appointment of state registrar—qualifications—compensation. The board shall employ a state registrar of vital statistics, who shall be qualified in accordance with standards of education and experience as the board shall determine and fix his compensation.

History: En. Sec. 5, Ch. 44, L. 1943.

CO-503. Duties of state registrar. The state registrar, under the supervision of the state board of health, shall have charge of the bureau of vital statistics and be the custodian of all its files and records, and perform the duties prescribed by the board. He shall enforce this act and the regulations of the board and have supervisory power over local registrars. He shall submit to the board a biennial report of the administration of this act.

History: En. Sec. 6, Ch. 44, L. 1943.

CO-507. Local registrars and deputies. The board on the recommendation of the state registrar shall appoint local registrars. A local registrar with the approval of the state registrar may appoint deputies. The local registrars shall immediately report to the state registrar violations of this act or the regulations of the board.

History: En. Sec. 7, Ch. 44, L. 1943.

CO-506. Other employees. The board shall provide other necessary assistance and determine the status, compensation and duties of persons thus employed.

History: En. Sec. 8, Ch. 44, L. 1943.

CO-503. Compulsory registration of births. Within the time prescribed by the board a certificate of every birth shall be filed with the local registrar of the district in which the birth occurred by the physician, midwife or other locally authorized person in attendance at the birth or at the attending, or one of the parents.

History: En. Sec. 9, Ch. 44, L. 1943.

00-510. Local registrar to prepare birth certificate. (1) Whenever one of the following child whose birth is subject under the above provision is due to prepare a birth certificate, the local registrar shall secure the necessary information from any person having knowledge of the birth and prepare and file the certificate. The board shall prescribe the time within which a supplementary report of furnishing information omitted from the original certificate may be received for the purpose of completing the certificate. Certificates of birth completed by the supplementary report shall not be considered "delayed" or "altered".

History: En. Sec. 10, Ch. 44, L. 1913.

00-511. Registration of foundlings.—Foundling report. (1) Whoever assumes the custody of a child of unknown parentage shall immediately report to the local registrar in writing: (a) the date and place of finding, or assumption of custody; (b) sex; color or race; and approximate age of child; (c) name and address of the person or institution with whom the child has been placed for care, and (d) name given to the child by the finder or custodian.

(2) The place where the child was found or custody assumed shall be known as the place of birth and the date of birth shall be determined by approximation.

(3) The report shall constitute the certificate of birth.

(4) If the child is identified and a regular certificate of birth is found or obtained, the report shall be sealed and filed and may be opened only by court order.

History: En. Sec. 11, Ch. 44, L. 1913.

00-512. Registration of deaths and stillbirths. A certificate of every death or stillbirth shall be filed with the local registrar of the district in which the death or stillbirth occurred within three (3) days after the occurrence is known; or if the place of death or stillbirth is not known then with the local registrar of the district in which the body is found within twenty-four (24) hours thereafter. In every instance a certificate shall be filed prior to interment or other disposition of the body.

History: En. Sec. 12, Ch. 44, L. 1913.

00-513. Death and stillbirth certificates. (1) The person in charge of interment shall file, with the local registrar of the district in which the death or stillbirth occurred or the body was found a certificate of death or stillbirth within three (3) days after the occurrence.

(2) In preparing a certificate of death or stillbirth the person in charge of interment shall obtain and enter on the certificate the personal data required by the board from the persons best qualified to supply them. He shall present the certificate of death to the physician last in attendance upon the deceased or to the coroner having jurisdiction who shall thereupon certify the cause of death as shown on the certificate as true and correct. He shall file the certificate of death with the local registrar, and file the certificate of stillbirth with the local registrar. He shall certify the stillbirth and such other facts as may be required by the board.

(3) In preparing the certificate of death or person in charge of interment shall notify the local registrar of the local registrar, if the death occurred without

medical attendance, or the physician last in attendance fails to sign the death certificate, then the local registrar may sign the certificate on the basis of information received from relatives of the deceased or others having knowledge of the facts. If the circumstances suggest that the death or stillbirth was caused by other than natural causes, the local registrar shall refer the case to the coroner for investigation and certification.

History: En. Sec. 13, Ch. 44, L. 1943.

60-514. Delayed determination of cause of death. If the cause of death cannot be determined within three (3) days, the certification of its cause may be filed after the prescribed period, but the attending physician or coroner shall give the local registrar of the district in which death occurred, written notice of the reason for the delay, in order that a permit for the disposition of the body may be issued.

History: En. Sec. 14, Ch. 44, L. 1943.

60-515. Form of certificates. The forms of certificates shall include as a minimum the items required by the respective standard certificates as recommended by the United States bureau of the census subject to approval of and modification by the board. The form and use of such certificate shall be subject to the provisions of section 60-524.

History: En. Sec. 15, Ch. 44, L. 1943.

60-516. Certificates of evidence. Certificates filed within six (6) months after the time prescribed therefor shall be prima facie evidence of the facts therein stated. Data therein pertaining to the father of a child are prima facie evidence only if the alleged father is the husband of the mother; if not, the data pertaining to the father of a child are not evidence in any proceeding adverse to the interests of the alleged father, or of his heirs, next of kin, devisees, legatees or other successors in interest, if the paternity is controverted.

History: En. Sec. 16, Ch. 44, L. 1943.

60-517. Certified copies. (1) Subject to the requirements of sections 60-521, 60-523 and 60-524 the state registrar shall, upon request, furnish to any applicant a certified copy of any certificate, or any part thereof.

(2) Copies of the contents of any certificate on file in the bureau of vital statistics or any part thereof, certified by the state registrar shall be considered for all purposes the same as the original, subject to the requirements of sections 60-521, 60-523 and 60-524.

History: En. Sec. 17, Ch. 44, L. 1943.

60-518. Fees for copies and searches. The board shall prescribe the fees if any to be paid for certified copies of certificates, or for search of the files or records when no certified copy is made. Subject to sections 60-521, 60-523 and 60-524, the United States bureau of the census may obtain transcripts, or without payment of fees, certified copies, provided the state is put to no expense in connection therewith.

History: En. Sec. 18, Ch. 44, L. 1943.

60-519. Accounting for fees. The state registrar shall keep an account of all fees received and turn the same over to the state treasurer to be



20-574. *Disclosure of records.* (1) The records of the vital statistics of vital statistics are open to inspection only under the provisions of this act and regulation of the board of health and shall not be disclosed for any other or employee of the state or disease of the state and vital statistics records, except as authorized by the board of health.

(2) Disclosure of information of birth or of information from which it can be ascertained, may be made only upon order of a court in a case where such information is necessary for the determination of personal or property rights and then only for such purpose.

(3) The state registrar shall not permit inspection of the records or issue a certified copy of a certificate or part thereof unless he is satisfied that the applicant therefor has a direct and tangible interest in the matter recorded and that the information therein contained is necessary for the determination of personal or property rights. His decision shall be subject, however, to review by the board or a court under the limitations of this section.

(4) The board may permit the use of data contained in vital statistics records for research purposes but no identifying use thereof shall be made.

(5) Subject to the provisions of this section the board may direct the state registrar to make a return upon the filing with him of birth, death and stillbirth certificates and of certain data shown thereon to federal, state or municipal agencies.

History: Ch. Sec. 22, Ch. 44, L. 1912.

20-575. *Adoption, duties of clerk of court—substitute birth certificate.* In case of adoption of a person born in the state of Montana, it shall be the duty of the clerk of the district court to forward by the fifteenth of the following month a certified copy of the final order of adoption to the registrar of vital statistics of the state board of health. The state registrar upon receipt of the certified copy of the order of adoption shall prepare a substitute certificate in the new name of the adopted person, naming the true date and place of birth and sex of said adopted person and statistical particulars of the foster parents in place of the natural parents. The state registrar shall strike out the words "Attendant's own signature" on the substitute record and insert in their stead the words "State registrar" and sign as such, and all dates of recording are to be left as on the original. And the state registrar shall make such a substitute birth certificate if furnished with a certified copy of adoption for any birth certificate now in his custody. The state registrar shall send copies of the substitute record to the local registrar and to the county clerk and recorder, to be substituted for the copies of the original record in their possession. The local registrar and the county clerk and recorder shall forthwith enter the substitute record in their files and shall forward immediately to the state registrar the copies of the original birth record to be sealed with the original record in the files of the state registrar. Such sealed documents may be opened by the state registrar only upon the demand of the adoptive parent of the child, and the



60-531. Transmission of certificates to state registrar. Local registrars shall transmit all official certificates filed with them to the state registrar in accordance with regulations of the board, after having made duplicate copies of such certificates to be filed with the county clerk and recorder.

History: En. Sec. 31, Ch. 44, L. 1943.

60-532. Compensation of local registrars. Each local registrar shall be paid the sum of twenty-five cents (25c) for each complete birth, death or stillbirth certificate returned by him to the state registrar in accordance with the regulations of the board. In case no birth, death or stillbirth was registered during any calendar month, the local registrar shall so report and be paid the sum of twenty-five cents (25c) for the report. The board is authorized to change by regulation the amounts specified herein to be paid to local registrars and the board shall limit the aggregate amount of fees to be paid per annum to any local registrar either by setting an annual aggregate maximum of such fees or by prorating the fees according to the number of registrations.

History: En. Sec. 31, Ch. 44, L. 1943.

60-533. Payment of fees. Upon certification by the state registrar the fees of local registrars shall be paid by the treasurer of the proper county, out of the general fund of the county. The state registrar annually shall certify to the treasurer of the several counties the number of births, stillbirths and deaths certified from his county with the names of the local registrars and the amount due each.

History: En. Sec. 32, Ch. 44, L. 1943.

60-534. Registration of marriage--marriage certificates filed. Every clerk of district court who issues a marriage license shall forward to the state registrar on or before the fifteenth of each calendar month certification of certain information contained on marriage licenses on forms prescribed by the state registrar from each certificate of marriage which was filed with him during the preceding calendar month.

History: En. Sec. 33, Ch. 44, L. 1943.

60-535. Marriage license fees. Every officer authorized to issue marriage licenses shall be paid a recording fee of twenty-five cents (25c) for each marriage certificate filed with him and forwarded by him to the state registrar. The recording fee shall be paid by the applicant for the license and be collected together with the fee for the license.

History: En. Sec. 34, Ch. 44, L. 1943.

60-536. Registration of divorce, annulments and adoptions. For each divorce, annulment or adoption, the clerk of the district court, within ten days after the decree becomes final, shall file with the state registrar a form prescribed by the state registrar and before the filing of such certificate the clerk shall deposit with the state registrar the fee for such registration. The fee shall be paid by the applicant for the divorce, annulment or adoption.

<sup>a</sup> Values are means ± SD.

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July 20, 1968

1000. Shore (1911). "The new species of fishes in the 'Columbian' collection."

అనుబంధం: పరిశోధన, విశ్లేషణ, నిర్మాణ, పరిరక్షణ, పరివహనం

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For the first time, the  $^{13}\text{C}$  NMR spectra of the  $\text{C}_{60}$  and  $\text{C}_{70}$  fullerenes were obtained. The  $^{13}\text{C}$  NMR spectra of the  $\text{C}_{60}$  and  $\text{C}_{70}$  fullerenes were obtained. The  $^{13}\text{C}$  NMR spectra of the  $\text{C}_{60}$  and  $\text{C}_{70}$  fullerenes were obtained.

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$$\frac{1}{2} \left( \frac{1}{2} \right)^n = \frac{1}{2^{n+1}} \quad \text{for } n \geq 0$$

$\frac{d}{dt} \left( \frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

$$\frac{1}{\Gamma(\alpha)} \int_0^t (t-s)^{\alpha-1} f(s) ds = \frac{1}{\Gamma(\alpha)} \int_0^t (t-s)^{\alpha-1} \left( -\frac{1}{2} \frac{d^2 u}{ds^2}(s) + \frac{1}{2} \frac{d^2 v}{ds^2}(s) \right) ds$$

20-102-1. Birth date—fullbirth determination thereof. For the purpose of having a fullbirth determination of the date or dates and places of the United States, either before birth or naturalized, may the War Office of the district court of the county of his residence a petition which petition must be duly verified by the petitioner, and must contain the following:

A. That the petitioner is a citizen of the United States; that he has resided in the State of Montana for one (1) year last past and in the county in which the action is brought for at least ninety (90) days immediately preceding the commencement of the action; the place of his birth; the names of his parents, together with the place of the birth of each of his parents and their address, if they are living; the name and address of each of his brothers and sisters; if the address of either of the parents or of any of his brothers and sisters are not known, then their last known place of address and of their names.







# CHAPTER 187

AN ACT TO PROVIDE FOR THE COLLECTION OF VITAL STATISTICS AND THE REGISTRATION OF CERTAIN OF THE DISTRICT COURTS AT THE TIME OF HEARING CERTAIN ACTIONS OF DIVORCE OR ANNULMENT AND PROVIDING FOR THE COLLECTION OF SUCH INFORMATION TO THE STATE REGISTER OF VITAL STATISTICS.

Enacted by the Legislature of the State of Missouri

SECTION 1. Commencing on and with the filing of a petition for divorce or annulment in a district court, there shall be furnished by the clerk of court of the district court in which such action is filed a report of such action on form prescribed by the state register of vital statistics. Such report shall contain information as follows: name, age, date of birth, present and last place of abode, occupation and marital condition of each party; the date of filing of the petition by the parties; the number of children under sixteen years of age in the custody of each of said parties and residing with them; and the grounds of such action. Such information shall be given to the clerk of the parties to the action or their respective attorneys.

SECTION 2. The clerk of the district court shall keep a copy of such form and shall transmit a copy of the action to every such court in which the same shall be filed. The cost of the information and to which party granted. The completed form shall be then added to the state register as provided by Section 20-550, R. C. M., 1947.

Approved, March 2, 1950.

CLERK OF COURT  
DISTRICT COURT  
REPORT NO. 187-18  
OF INFORMATION TO  
STATE REGISTER OF  
VITAL STATISTICS.

FORM NO. 187-18  
CLERK OF COURT AND  
COURT NUMBER.





- (1) "Person in charge of institution" means any person in charge of an institution, as defined in § 20-105, who is responsible for the care of the institution.
- (2) "Person in charge of hospital" means any person in charge of a hospital, as defined in § 20-105, who is responsible for the care of the hospital.
- (3) "Person in charge of nursing home" means any person in charge of a nursing home, as defined in § 20-105, who is responsible for the care of the nursing home.
- (4) "Person in charge of residential care facility" means any person in charge of a residential care facility, as defined in § 20-105, who is responsible for the care of the residential care facility.
- (5) "Person in charge of child care facility" means any person in charge of a child care facility, as defined in § 20-105, who is responsible for the care of the child care facility.
- (6) "Person in charge of day care facility" means any person in charge of a day care facility, as defined in § 20-105, who is responsible for the care of the day care facility.
- (7) "Person in charge of child day care facility" means any person in charge of a child day care facility, as defined in § 20-105, who is responsible for the care of the child day care facility.
- (8) "Person in charge of child day care facility" means any person in charge of a child day care facility, as defined in § 20-105, who is responsible for the care of the child day care facility.

§ 20-111. Definitions. As used in this chapter, unless the context clearly indicates otherwise:

(1) "Vital statistics" includes the registration, preparation, transcription, collection, compilation and preservation of data pertaining to births, adoptions, legitimations, deaths, fetal deaths, marital status and incidental supporting data.

(2) "Live birth" means the birth of a child who shows evidence of life after being entirely outside the mother.

(3) "Fetal death" means a birth after twenty (20) weeks of gestation which is not a live birth.

(4) "Dead body" means a dissected human body or parts of a body that would reasonably may be considered that death occurred recently.

(5) "Person in charge of interment" means any person who places a person to be placed in a dead body or the ashes after cremation, in a grave vault, urn, or other receptacle, or otherwise disposes of the body.

(6) "Physician" means a person legally authorized to practice medicine in this state.

(7) "State health officer" means the person designated by the executive order of the governor as having the primary responsibility for vital statistics.

(8) "Local registrar" means a person appointed by the state registrar and he is subject to the provisions of this chapter within the area set forth and limited by appointment.

History: Am. Sec. 43, Ch. 107, L. 1907.

§ 20-112. The state health officer shall be elected by the board of health. The board of health shall have the power to designate any of its members as a local registrar for gathering, recording, and preserving vital statistics.

History: Am. Sec. 43, Ch. 107, L. 1907.

§ 20-113. References.

References: Am. Sec. 43, Ch. 107, L. 1907. § 20-114. The state health officer shall have the power to designate any of its members as a local registrar for gathering, recording, and preserving vital statistics.

§ 20-115. Functions, powers and duties of state department of health. The state department of health shall:

(1) "Gather, record, and preserve vital statistics in the various districts

(2) "Gather, record, and preserve vital statistics in the various districts

(3) "Gather, record, and preserve vital statistics in the various districts

(4) "Gather, record, and preserve vital statistics in the various districts

(5) "Gather, record, and preserve vital statistics in the various districts

(6) "Gather, record, and preserve vital statistics in the various districts

(7) "Gather, record, and preserve vital statistics in the various districts

(8) "Gather, record, and preserve vital statistics in the various districts

(9) "Gather, record, and preserve vital statistics in the various districts

(10) "Gather, record, and preserve vital statistics in the various districts

(11) "Gather, record, and preserve vital statistics in the various districts

(12) "Gather, record, and preserve vital statistics in the various districts

60-4404. Disclosure of information.—(a) Any person receiving inspection of records with the permission of the state registrar shall be forbidden to disclose data in the vital statistics records of the department, local registrars, county clerk and recorder unless disclosure is authorized by law and approved by the state board. The state registrar shall not permit inspection of the records or issue copies of any certificate unless he is satisfied that the applicant has a direct and tangible interest in the data recorded and that the information is necessary for the determination of personal property rights. His decision is subject to review by the state board of health.

History: En. Sec. 41, Ch. 107, L. 1907.

60-4405. Disclosure of information to governmental agencies. The state board may direct the state registrar to disclose information from records to federal, state, county, or municipal agencies for use only as prescribed by the state board. If no identification of individuals is made, the state board may permit the use of data contained in vital statistics records for research purposes.

History: En. Sec. 45, Ch. 107, L. 1907.

60-4406. Certified copy of certificate.—(a) Subject to the limitations of sections 60-4404, 60-4405, 60-4407, 60-4409, and 60-4412, the state registrar shall furnish to any applicant a certified copy of a certificate, or part of it, upon request which shall be considered the same as the original.

History: En. Sec. 48, Ch. 107, L. 1907.

60-4407. Certified copy of certificate.—(b) The state board shall prescribe a fee of not less than two dollars (\$2) for a certified copy of certificates, or search of files. The state board may provide transcripts to the federal agency responsible for vital statistics if it is reimbursed for costs.

History: En. Sec. 47, Ch. 107, L. 1907.

60-4408. Disposition of fees from certified copies. Fees received for a certified copy of a certificate or a search of files shall be deposited in the state general fund.

History: En. Sec. 49, Ch. 107, L. 1907.

60-4409. Local registrars—appointment—supervision. The state registrar shall:

- (1) with approval of the state board, appoint local registrars;
- (2) supervise local registrars and other persons required to comply with this act.

History: En. Sec. 43, Ch. 107, L. 1907.

60-4410. Local registrars—deputies. With approval of the state registrar, local registrars may appoint deputies. Local registrars and deputies shall immediately report violations of this act or rules of the state board to the state registrar.

History: En. Sec. 50, Ch. 107, L. 1907.

60-4411. Certificates—information required—Disposition of copies. (1) All certificates shall contain information required by the state board.

(2) Local registrars shall forward original certificates to the state registrar, Elmer McClellan Co., county clerk and recorder, and retain a duplicate copy.

(3) Local registrars shall not issue certified copies of certificates.

History: En. Sec. 51, Ch. 107, L. 1907.





to and only by the court. A person may not obtain a birth, death, or final death certificate upon which there is no record by the state board.

History: En. Sec. 37, Ch. 167, L. 1907.

60-4110. Birth certificate—delayed filing—summary statement of evidence. If birth certificate not received within (6) months or more after the time prescribed, the clerk or one authorized by the state registrar after filing the certificate shall file a statement of the delayed filing or alteration and the clerk "may petition the court." A summary statement of the evidence in support of the delayed filing or alteration shall be enclosed on the certificate.

History: En. Sec. 37, Ch. 167, L. 1907.

60-4111. Date and place of birth—judicial procedure to establish where birth certificate cannot be obtained. If a person born in this state cannot obtain a birth certificate from the state registrar, the judicial procedure to establish date and place of birth is:

(1) the person petitions the district court for an order establishing a public record of his birth alleging the facts which he claims entitle him to the birth certificate;

(2) if the court is satisfied of the truth of the allegations in the petition, it makes an order reciting the facts, determining the time and place of birth, names of parents, and other relevant facts;

(3) the court orders a copy of its order to be recorded with the county clerk and registered with the state registrar;

(4) from the court order, the state registrar makes a transcript of the important facts and issues a delayed birth certificate.

History: En. Sec. 38, Ch. 167, L. 1907.

See Annotations

Annotations of Montana Laws of Civil Procedure, Rule 81(c), 30, R. Civ. P.

60-4116. Delayed certificate of birth—probative value. The probative value of a "delayed" or "substitute" certificate of birth is determined by the judicial or administrative body before whom the certificate is offered as evidence.

History: En. Sec. 39, Ch. 167, L. 1907.

60-4121. Substitute birth certificate—procedure for issuance. The procedure for issuing a substitute birth certificate for a person born in Montana and adopted is:

(1) before the statement, any of the month following the order of adoption the clerk of the district court shall forward a certified copy of the final order of adoption to the state registrar;

(2) the state registrar shall prepare a substitute certificate containing:

(a) the name of the adopted person;

(b) the date and place of birth and sex of the adopted person;

(c) the full name of the adoptive parents in place of

the name of the

the words "state registrar" shall be stated for the words "district court clerk."

(c) Dates of birth—has a new copy of a birth certificate.  
History: En. Sec. 5, Ch. 107, L. 1967.

66-4421. Substantive birth certificate—procedure for filing. (1) A procedure for recording a substantive certificate of birth for a person who is born and who lives in:

(a) The state is provided shall be a copy of the substantive certificate the total of thirty days after the date of birth and by:

(b) The state registrar shall receive the certificate of birth immediately or the date the birth certificate is filed and forward copies of original birth records to the state registrar.

(c) The state registrar shall receive the certificate of birth and open it up upon demand of the person or person of legal age, or upon court order.

(d) Upon receipt of a copy of a copy of a birth certificate according to the provisions, the state registrar shall receive the original certificate to its use in his files and to copy the local registrar and county clerk and order.

History: En. Sec. 61, Ch. 107, L. 1967.

66-4422. Illegitimate birth—per official disclosure. Disclosure of identity of birth or information from which illegitimacy can be ascertained, may be made only upon order of a court or determining person or party rights. The information can be used only for that purpose.

History: En. Sec. 62, Ch. 107, L. 1967.

66-4423. Proof of legitimation—new birth certificate. Upon receipt of proof of legitimation, the state registrar shall prepare a new birth certificate in the new name of the person legitimated. Evidence upon which new certificate is based and the original birth certificate shall be sealed (may be opened only upon court order in case of legitimation, the state registrar shall substitute records in the way provided in section 66-4424 for records of adoption).

History: En. Sec. 63, Ch. 107, L. 1967.

66-4424. Death certificate—time of filing. (1) A death or fetal death certificate shall be filed with the local registrar prior to interment after disposition of a dead body. If the place of death is known, the state shall be filed within ten (10) days after the occurrence is known. If the place of death is not known, the certificate shall be filed within twenty-four (24) hours after the occurrence is known.

(2) If a state resident dies outside the county of his residence, the local registrar shall send a certified copy of the death certificate to the state registrar of the county of residence. The copy of the original certificate shall be filed.

History: En. Sec. 64, Ch. 107, L. 1967.

En. Sec. 65, Ch. 107, L. 1967.

En. Sec. 66, Ch. 107, L. 1967.

En. Sec. 67, Ch. 107, L. 1967.

En. Sec. 68, Ch. 107, L. 1967.

60-4405. Death certificate—preparation and filing. A person in charge of interment shall:

(1) obtain personal data required by the state board from persons best qualified to supply the data and enter it on the death or fetal death certificate;

(2) present the death certificate to the physician last in attendance upon the deceased or the coroner having jurisdiction who shall certify the cause of death according to his best knowledge and belief; or

(3) present the fetal death certificate to the physician, midwife, or other person in attendance, who shall certify the fetal death and supply any pertinent additional medical data;

(4) notify the local registrar if the death or fetal death occurred without attendance or if the physician last in attendance failed to sign the death certificate;

(5) file the death or fetal death certificate with the local registrar within three (3) days after the occurrence.

History: En. Sec. 65, Ch. 197, L. 1907.

60-4426. Death without medical attendance—certificate—investigation. If the death or fetal death occurred without medical attendance or the physician last in attendance failed to sign the death certificate, the local registrar may complete the certificate on the basis of information received from persons having knowledge of the facts. If it appears the death or fetal death resulted from other than natural causes, the local registrar shall notify the coroner for investigation and certification.

History: En. Sec. 66, Ch. 197, L. 1907.

60-4427. Delay in determining cause of death—permit for disposition of body. If the cause of death or fetal death cannot be determined within three (3) days after the occurrence, the attending physician or coroner shall give the local registrar written notice of the reason for delay so that a permit may be issued for disposition of the body.

History: En. Sec. 67, Ch. 197, L. 1907.

60-4428. Dead body—disposition or removal—permit required. No dead body shall be disposed of or removed from a registration district until a permit for disposition or removal has been issued by the local registrar. No permit shall be issued until a death certificate, fetal death certificate, or notice of delay as required in section 60-4427 has been filed with the local registrar.

History: En. Sec. 68, Ch. 197, L. 1907.

Collateral References  
Health 6-25.  
39 C.S.S. Health § 27.

60-4429. Body brought into state for burial or other disposition—record of permit. If a body is brought into the state for burial or other disposition accompanied by a permit, the local registrar shall endorse the permit and keep record of it.

History: En. Sec. 69, Ch. 197, L. 1907.

60-4430. Institutions caring for persons—reports as to inmates or patients. The person in charge of any institution or facility for the care of persons shall record and report all data required by this chapter relating to inmates or patients of the institution or facility.

History: En. Sec. 70, Ch. 197, L. 1967.

60-4431. Local registrars—fees. The state board may specify by regulation a fee to be paid each local registrar for each complete birth, death or fetal death certificate forwarded by the local registrar to the state registrar, or a monthly report stating the local registrar did not file certificates. The state registrar shall annually certify to the county treasurer the number of births, fetal deaths, and deaths, or monthly reports received from his county with the names of the local registrars and the amount due each. The treasurer shall pay each local registrar out of the county general fund.

History: En. Sec. 71, Ch. 197, L. 1967.

60-4432. Marriage certificates—reports as to filing—recording fee. Before the sixteenth day of each month, each clerk of a district court shall report marriage certificates filed with him during the preceding calendar month to the state registrar. Reports shall be on forms and contain information prescribed by the state registrar. The applicant for a marriage license shall pay a recording fee of twenty-five cents (\$.25) to the officer authorized to issue the marriage license.

History: En. Sec. 72, Ch. 197, L. 1967.

60-4433. Registration of divorces, annulments and adoptions—certificates by clerks of courts. Before the sixteenth day of each month, the clerk of court shall prepare and forward to the state registrar a certificate for each decree of divorce, adoption, annulment of marriage, or annulment of adoption that became final during the preceding calendar month. Certificates shall be on forms prescribed by the state registrar.

History: En. Sec. 73, Ch. 197, L. 1967.

60-4434. Decree of divorce or annulment of marriage—report by clerk of court—information supplied by parties to the action or their attorneys.

1) At the same time a decree of divorce or annulment of marriage is filed, the clerk of court shall prepare a report to the state registrar on the form prescribed by the state registrar. Parties to the action or their attorneys shall supply the clerk with necessary information.

(2) The report shall include:

(a) name, age, birthplace, residence, race or color, and occupation of each party;

(b) number, date, and place of any previous marriage of either party;

(c) number of children under eighteen (18) years of age in custody of either party and residing with him;

(d) grounds for the action;

(e) the number of times each party is divorced.



OFFICE SPACE







OFFICE PRACTICE

[illegible]









S T A T E R E G I S T R A R S





STATE OFFICE PERSONNEL









LOCAL REGISTRARS

The following names appeared most frequently  
as Local Registrar on the records filed in  
the State office.  
Some of the dates may be inaccurate as several  
Local Registrars seemed to overlap.





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Johnnie Gardner  
Dorothy Ungles

1/2/90-1500  
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1/2/90-1500  
1/2/90-

J. C. Caspell  
 H. L. Cline  
 H. L. Cline  
 L. L. Wallace  
 P. C. Gentry  
 D. C. Leight  
 J. C. Gentry  
 J. C. Gentry

100-270  
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1. 10. 1967, 10. 11. 1967, 1. 12. 1967.  
 2. 1. 12. 1967, 1. 1. 1968.  
 3. 1. 12. 1967, 1. 1. 1968.  
 4. 10. 11. 1967, 1. 12. 1967.  
 5. 1. 12. 1967, 1. 1. 1968.

QUESTIONS (cont.)

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7/1978-  
1990-1993  
1/20/1995-

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J. A. Jones  
 W. Brown  
 E. A. Anderson  
 C. Carlson

8/17/71-  
6/1/80-  
2/1981-  
1/1982-

550

A. B. Varco  
Dr. Sadie Lindeberg  
Mr. John A.  
J. H. Berry  
A. D. Finner, M. D.  
Mr. George Ray

1920-1929  
1930-1939  
1940-1949  
1950-1959  
1960-1969  
1970-1979  
1980-1989  
1990-1999  
2000-2009  
2010-2019  
2020-2029  
2030-2039  
2040-2049  
2050-2059  
2060-2069  
2070-2079  
2080-2089  
2090-2099  
2100-present

1000

W. D. Jackson  
D. D. Jackson  
D. A. Bostrey  
Mrs. A. Lind  
W. A. Leinert  
Roy H. Stewart  
L. L. Woods  
John Wilson  
B. Hauge  
H. J. Hauge  
Mary W. Edmestrom  
Lisel Margret  
Selma Alice  
Catherine Darchuk

1977-  
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1982-  
Dec. 1980  
1983  
May 1988-  
Jan. 1988-  
May 1987-  
Oct. 1989-  
Dec. 1988-  
1988-1989

## D. F. O. N.

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the 1990s, the number of people in the world who are illiterate has increased from 1.2 billion to 1.5 billion. The number of illiterate people in the world is projected to reach 1.7 billion by the year 2015. The number of illiterate people in the world is projected to reach 1.7 billion by the year 2015. The number of illiterate people in the world is projected to reach 1.7 billion by the year 2015.

[illegible]

1. I. ...  
 2. I. ...  
 3. I. ...

Dr. C. J. Campbell

J. D. S. Costa, M. D.  
J. A. Costa, M. D.  
J. A. Costa, M. D.  
J. A. Costa, M. D.

[illegible]

1910-1911  
Aug. 1-2-1912  
1911-1912  
May 1912-1913  
1912-May 1913  
June 1913-1914  
July 1914-April 1915  
1915-

1987

Jos. A. DiGirolamo, M. D.  
 L. D. Brown, M. D.  
 Margaret  
 C. M. DeLong, M. D.  
 Thomas Dornier, M. D.  
 C. J. Dwyer, M. D.  
 Elaine Karr  
 Helen Anderson

March 1951 - May 1951  
 May 1951 - Nov. 1951  
 Feb., 1952 - May 17, 1952  
 May 21, 1952 - Nov. 1952  
 Jan., 1953 - Feb. 1, 1953  
 July 1953 - Sept., 1953  
 Sept., 1953 - June 1953  
 June 1953 - June 30, 1953  
 July 1953 - July 30, 1954  
 Aug. 1954 -

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James Cleveland  
Pearl Winfield  
C. J. Wilson  
Delpha Armstrong  
Dorothea Hallberg

Feb. 1920-  
July 1921-  
March 1922-1923  
Jan. 1, 1929-1971  
1971-

05-01-15

Cut Bank:

P. O. Nersal, M. D.  
Pauline Nersal

1920-1959  
6/1/1959-

Brownian:

Oliver O. Howard  
 Secretary of Education  
 U. S. Building, Wash. D. C.  
 W. L. Burleigh  
 U. S. Marshal  
 U. S. Building, Wash. D. C.

1920-  
1920-  
1920-  
Jan. 1923-  
  
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Jan. 1924-  
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July 1, 1924-

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Olson:

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| ...                    | 1908- |
| ...                    | 1909- |
| J. L. Alexander, M. D. | 1931- |
| ...                    | 1939- |
| H. L. Woodson, M. D.   | 1939- |
| Paula Lee              | 1940- |
| Earl S. Merrill        | 1946- |
| Mrs. Earl Merrill      | 1959- |
| Margaret Meines        | 1965- |
| Ethel Harding          | 1968- |

St. Ignatius:

|                    |             |
|--------------------|-------------|
| Chris Heeschen     | 1920-       |
| M. P. Mitchell     | 1920-       |
| George C. Beechler | 1946-       |
| F. E. Sullivan     | April 1947- |
| Joe Pearson        | Sept. 1948- |

DEATHS & CLERGY

Augusta:

|              |       |
|--------------|-------|
| P. S. Wright | 1920- |
| C. Stratton  | 1925- |
| F. M. Mack   | 1933- |

Helena:

|  |                       |
|--|-----------------------|
| Max Barbours, M. D.                      | 1917-1921             |
| Arthur Jordan                            | Dec. 1921-Sept. 1932  |
| Dr. Conradhaver                          | Sept. 1932-Jan. 1935  |
| C. A. Jany (city) - E. L. Gallivan (Co.) | Jan. 1935-Oct. 1937   |
| W. C. W. Ibers                           | Oct. 1937-June 1938   |
| E. W. Hill                               | Sept. 1938-March 1942 |
| E. D. Nichols                            | Sept. 1942-July 1943  |
| R. W. Shale, M. D.                       | Sept. 1943-Dec. 1946  |
| E. W. Cooney                             | Jan. 1947-Sept. 1949  |
| ...                                      | Oct. 1949-March 1951  |
| ...                                      | May 1951-April 1961   |
| ...                                      | May 1961-July 1966    |
| ...                                      | August 11, 1966-      |



J. A. ...  
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1936  
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 January 1942 -

W. A. ...

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J. A. ...  
 Isabelle M. ...  
 W. A. ...  
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July 1941 - ...  
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MISSOURI

Elmer ...  
 F. A. ...  
 P. A. McCarthy, M. D.  
 Richard ...  
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 Adelaide ...

1936-  
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 1945-

MISSOURI

Joan ... - J. R. Ritchey  
 G. A. ...  
 F. D. ...  
 L. E. ...  
 J. A. ...  
 Mary ...  
 Hugh ...  
 G. J. ...  
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1920-  
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Section 3

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Section 4

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| 2000-2009 |
| 2010-2019 |
| 2020-2029 |





ANNUAL WORK LOAD







WORK LOAD INDICATORS: HALLGREN, VIKTOR, SUNDHOLM, L.  
1937 - 1970

| Year | Capital<br>Expenditure | Water Meters Installed | Connections | Flow  | Capacity | Efficiency | Total Connections | Water<br>Lost |
|------|------------------------|------------------------|-------------|-------|----------|------------|-------------------|---------------|
| 1970 | 10,615                 | 3,281                  | 2,192       | 5,436 | 1,460    | 1,017      | 26,537            | 11,539        |
| 1969 | 10,225                 | 3,251                  | 2,250       | 5,272 | 1,472    | 1,015      | 27,515            | 12,111        |
| 1968 | 10,767                 | 2,860                  | 2,323       | 5,111 | 1,444    | 1,000      | 27,737            | 12,137        |
| 1967 | 10,419                 | 2,573                  | 2,031       | 5,111 | 1,411    | 1,000      | 27,117            | 12,461        |
| 1966 | 9,525                  | 2,866                  | 2,104       | 5,250 | 1,411    | 1,000      | 27,537            | 12,461        |
| 1965 | 9,163                  | 2,739                  | 2,063       | 5,250 | 1,411    | 1,000      | 26,673            | 12,111        |
| 1964 | 9,117                  | 2,211                  | 1,936       | 4,272 | 1,411    | 1,000      | 22,872            | 9,117         |
| 1963 | 9,111                  | 2,207                  | 2,294       | 4,272 | 1,411    | 1,000      | 22,872            | 9,117         |
| 1962 | 9,021                  | 2,120                  | 1,876       | 4,272 | 1,411    | 1,000      | 22,872            | 9,117         |
| 1961 | 9,117                  | 1,882                  | 1,666       | 4,272 | 1,112    | 1,000      | 22,872            | 9,117         |
| 1960 | 8,775                  | 1,669                  | 1,703       | 4,272 | 1,112    | 1,000      | 22,872            | 9,117         |
| 1959 | 7,765                  | 1,475                  | 1,616       | 4,272 | 1,112    | 1,000      | 22,872            | 9,117         |
| 1958 | 7,817                  | 1,266                  | 2,600       | 4,272 | 1,112    | 1,000      | 22,872            | 9,117         |
| 1957 | 9,173                  | 1,429                  | 2,200       | 4,272 | 1,112    | 1,000      | 22,872            | 9,117         |
| 1956 | 8,554                  | 1,434                  | 2,114       | 4,272 | 1,112    | 1,000      | 22,872            | 9,117         |
| 1955 | 7,771                  | 1,573                  | 2,071       | 4,272 | 1,112    | 1,000      | 22,872            | 9,117         |
| 1954 | 6,965                  | 1,262                  | 2,035       | 4,272 | 1,112    | 1,000      | 22,872            | 9,117         |



WPA PROJECT



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The Historical Records Survey Project  
Division of Professional and Service Projects  
North Project Administration

Norman, Norman  
 Elizabeth Norman Barry  
 Norman Gene College  
 March, 1941.



## CHAPTER IV

Table 10 of the 1900 census shows that in Montana there are 1,174 marriages and 1,174 divorces recorded in the State from 1890 to 1900. Each county also keeps its own records of marriages and divorces that take place within the county's boundaries. The registration has been provided for marriages and divorces, each one being kept by the clerk of the district court of each county and consists of only the marriages and divorces that have taken place in that particular county.

An adequate and efficient system for keeping public records of vital statistics is important, not only for legal reasons, but also for sanitary and statistical purposes. Birth records are especially valuable in obtaining passports and establishing eligibility for Chicago pensions. The system of keeping records of vital statistics in Montana would be greatly improved if a central registration bureau for divorces, licenses and marriage certificates could be established under state supervision. Unless the county where the marriage took place, or the divorce was granted, is known, a person desiring information on a Montana marriage or divorce, under the present system, must query clerks of the district courts of the 56 counties of the state. A central bureau for these records would provide prompt and efficient service to the public and would eliminate the present inconvenience in searching for marriage and divorce records kept in so many places.

In Montana's territorial period, the only public records of vital statistics kept were those of marriages and divorces. Marriage records, consisting of marriage certificates, date back to 1866 in Deer Lodge, Gallatin, Lewis and Clark, and Missoula counties. Marriage licenses do not appear in the records until 1867, which was the year when the law requiring licenses was enacted. The marriage records from 1866 to 1867 are generally found in the clerk and recorder's office of the county in which the marriage took place, though in some of the older counties, the clerk of the district court has been given the custody of all of the marriage records.

Marriage records from 1867 to date may be found in the offices of the clerk of the district courts of the several counties. As a rule, they consist of bound volumes containing such records as applications for licenses, recorded copies of marriage certificates and licenses and a marriage register which, in some instances, is also an index. In many of the counties there are index volumes which serve all of the marriage records. Original marriage licenses which have been returned for recording are in many of the counties in file drawers or file boxes. Several of the counties have on file records of the common law form of marriage generally known as marriage by declaration.

The titles of the marriage records vary, but those in most general use are: "Marriage Licenses", "Index of Marriages", and "Declarations of Marriage". In some instances exception at least two records of marriage, the original licenses and the recorded copies of the certificates, are maintained in each county.



[illegible]

The original divorce case papers, such as complaints, answers, orders and decrees, are kept in file boxes or file drawers along with the case papers of other forms of civil actions. These file boxes or file drawers are generally entitled "Divorce Actions" or "Divorce Cases". The contents are almost invariably listed or indexed directly by case numbers, and even the order is indicated by the index. In a few of the counties a separate, in almost universal form also are found volumes, generally entitled "Register of Actions" or "Register of Civil Actions", in which are entered all papers, orders and decrees connected with divorce actions. This register is alphabetical and in many of the counties alphabetically by name of claimant or defendant names, and serves as an index to the civil case papers, which include divorce case papers and others. The register in some counties is arranged numerically and has a self-contained index. In a few counties the general index volumes to court records are the only indices to the divorce records. In two counties, Golden Valley and Jefferson, copies of divorce decrees are recorded in separate bound volumes.

No birth or death records were kept in New York until legal provision was made in 1886 for the recording of births and deaths by the county clerk of the several counties. Many settlements covering the birth of persons, born in Silver Bow County, prior to 1886 have been registered, thus establishing the dates in the county clerk's office back as far as 1876. Following the same practice, Yellowstone County now has birth records extending back to 1864; Park County, 1861; and Montana County, 1864. In the other counties of the State, there are no birth records on file earlier than 1888.

In the majority of cases, records kept by the county clerk for births within the county are of this kind. In a few cases, or possibly in all, these records are generally entitled "Birth Certificates", or "Certificates of Birth", and are arranged, either in a few volumes, or chiefly by certificate number. The county clerk, who is the custodian of all birth and death records kept by the county, also keeps bound volumes of all all birth certificates on file and registered. These volumes, which generally are entitled "Birth Records", "Records of Birth", or "Register of Births", are in most instances arranged alphabetically by the family name of the child or parents, and also serve as indexes to the certificates.

In a few of the countries given and other records are compiled, and when this is the case such records are generally entitled: "Birth and Death Records", or "Register of Births and Deaths", or "Birth and Death Records".

of the records of the State of Montana. The records of the State of Montana are not complete, except in a few instances. In 1907, of the birth and death certificates which were submitted to the State Registrar, only those were not contained in the forms provided by the 1907 act.

Since 1907 the State Registrar of Vital Statistics at Helena has assembled and kept complete records of all births and deaths in Montana. Persons born within the regular jurisdiction of 1907 become effective are permitted, on payment of the fee of \$1.00, to record their births, provided their certificates are either certified by recognized authorities, or are supported by acceptable affidavits. This provision has enabled the State Registrar to extend back in his birth records to as far back as 1881. Death records kept by the State Registrar do not contain entries earlier than 1907.

The earliest death records kept by county clerks are: Yellowstone County, 1884; Silver Bow County, 1886; and Cascade County, 1888; No other counties have death records earlier than 1886. Records of deaths kept by county clerks consist of certificates (in duplicate) and registers. The latter generally serve as indices to the certificates. In some counties, as has been mentioned, birth and death records have been combined. The certificates are kept either in file drawers or in loose leaf volumes, while the registers are in bound volumes. The titles generally used for death records are: "Death Certificates", "Certificates of Death", "Death Register", "Register of Deaths" and "Death Record". The arrangement of the county clerks' death records is generally similar to that of his birth records.

In a few of the larger counties the offices of the boards of health keep triplicates of birth and death certificates on file. In the majority of the counties the district registrars and sub-registrars, who are, as a rule, the local or county health officers, send in original death and birth certificates to the State Registrar, and duplicates to the county clerks of their respective counties, but do not keep copies of such certificates in their own offices.

The churches of Montana preserve a source of information concerning births and deaths during the territorial period when no public birth or death records were kept. The Methodist, Catholic, and Episcopal churches, as well as many others, have kept records of births and deaths since 1860, and some of them have kept records of deaths since 1800. The churches established in various parts of the State prior to 1860, and their records are usually well kept for inspection. Each individual church keeps separate records,

Inspection of church records for information on early births or deaths, which cannot be found in the public records of the state or in several counties, generally can be arranged by making an appointment with that person with the minister or pastor of the church. By following this procedure information also can generally be obtained concerning any early funeral or burial records in possession of undertakers, persons or persons in charge of cemeteries.



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(S. H. B. 1917)

any person who, after being duly sworn, shall be found guilty of any violation of the provisions of the registration law in their respective districts, or who refuse or neglect to comply with the duties imposed upon them by law or the regulations of the State Registrar, and guilty of a misdemeanor and upon conviction, shall be fined not less than ten dollars (\$10.00), nor more than one hundred dollars (\$100.00),

### Enforcement

Under the supervision of the State Registrar, the local registrars and sub-registrars shall have the duty of enforcing the provisions of the registration law in their respective districts and shall report immediately to the State Registrar any violations of the law coming to their notice. The local registrars shall, with the efficient cooperation of the registration law in every part of the State. It shall be the duty to investigate irregularities or violations of the law and may call on local registrars and sub-registrars to aid him in his investigations. When no cause is necessary, he must report violations of the law to the prosecuting attorney of the county involved, with a statement of the facts and circumstances. When such cases are referred to him by the State Registrar, prosecuting attorneys are required to institute state prosecutions against persons responsible for violations of the registration laws. Upon request of the State Registrar, the Attorney General is required to assist in the enforcement of the registration law."

### Certified Copies

Every county clerk is required, on demand, to issue a certified copy of any record of birth on file in his office. He must receive on behalf of the county for such certified copy the sum of twenty five cents (.25¢). The regulations of the Montana State Board of Health require a fee of one dollar (\$1.00) for a certified copy of any birth record on file in the office of the Bureau of Vital Statistics at Helena. A fee of fifty cents (.50¢) per hour or fraction thereof, is charged by the State Board for a search of the records. For this latter fee a birth notification will be sent. For filing a record of a birth which occurred prior to June 1, 1907, the State Board requires a fee of one dollar (\$1.00).

Every county clerk is required, on demand, to issue a certified copy of any record of birth on file in his office. He must receive on behalf of the county for such certified copy the sum of twenty five cents (.25¢). The regulations of the Montana State Board of Health require a fee of one dollar (\$1.00) for a certified copy of any birth record on file in the office of the Bureau of Vital Statistics at Helena. A fee of fifty cents (.50¢) per hour or fraction thereof, is charged by the State Board for a search of the records. For this latter fee a birth notification will be sent. For filing a record of a birth which occurred prior to June 1, 1907, the State Board requires a fee of one dollar (\$1.00).





MARRIAGES  
(Legal Essay)

Prior to the issuing of a marriage license, it must be recorded in the office of the clerk of the court in a suitable book provided for that purpose.<sup>8</sup> If it shall appear that either of the parties are legally incompetent, or that there is any impediment in any way, or if either party is a minor and the consent of the parent or guardian has not been obtained, the clerk of the court must refuse to grant the license.

In 1935 what is known as the "Gin Marriage Act" was passed. It provided that the clerk of the district court must not issue marriage licenses unless both parties presented health certificates executed within not less than three days nor more than seven days from the time of the application for the license. The Health certificates were required to show the non-existence of any venereal disease as determined by Wasserman tests; the non-existence of tuberculoses in the infectious stages; the non-existence of other infections or communicable diseases, or any disease leading to congenital abnormalities in off-spring; and that both applicants appear to be of sound mind. The act further provided that no marriage licenses be issued until the third day following the receipt of the application and the health certificates.<sup>10</sup> This law was repealed by popular vote in 1936.<sup>11</sup>

No person authorized to solemnize marriage shall perform such ceremony until the parties have given him the license issued by the clerk of the district court for their marriage. When the ceremony has been completed, the person performing the ceremony shall enter upon the license a certificate of such marriage showing the date of occurrence and attested by two witnesses to the ceremony. The person performing the ceremony must return the certificate within 30 days following the marriage to the clerk of the district court, who is required to record the certificate in the same book in which the marriage license is recorded.<sup>12</sup>

The marriage certificate must be substantially in the following form:

"STATE OF MONTANA )  
County of \_\_\_\_\_) ss.

This is to certify that the undersigned, a justice of the peace of said county (minister of the gospel, judge, etc. as the case may be) did on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_, join in lawful wedlock \_\_\_\_\_ and \_\_\_\_\_ with their mutual consent, in the presence of \_\_\_\_\_ and \_\_\_\_\_, witnesses.

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8. Mont. Civ. C., 1895, sec. 74; Mont. R. C., 1935, sec. 5713.
  9. Mont. Compiled Stat., 1887, 5th Div., sec. 1417; Mont. Civ. C., 1895, sec. 75; Mont. R. C., 1935, sec. 5714.
  10. Mont. S. L., 1935, ch. 72, secs. 1-4.
  11. Referendum Measure, approved in 1936.
  12. Mont. Civ. C., 1895, sec. 77; Mont. R. C., 1935, sec. 5716.

MARRIAGES  
(Legal Essay)

Witness my hand  
and Seal this \_\_\_\_\_ day of \_\_\_\_\_ . " 13

In the majority of Montana counties the application, license and certificate form one page in a bound volume, separated from each other by perforated lines. When the parties apply, the application is filled out and then the license, and the license and certificate are detached, leaving the application as a stub in the volume. The application contains the same information as the license.

The clerk of the district court is required to collect a fee of \$2.00 before issuing a marriage license.<sup>14</sup>

Prior to 1923 it was the general practice in Montana for the clerk of the district court to retain the original certificates which had been returned to him for recording. In 1922 the attorney general issued an opinion that such certificates should be returned to the contracting parties after being recorded, and this practice is now the general rule in Montana counties.<sup>15</sup>

In Montana marriage is a personal relation arising out of a civil contract to which the consent of the parties, who are capable of giving it, is necessary. Consent alone does not constitute a marriage in Montana. It must be followed by a solemnization, or by a mutual and public assumption of the marital relation.<sup>16</sup>

Unmarried males of the age of eighteen (18) years, and unmarried females of sixteen (16) years and upwards, are capable of consenting to the consummating marriage, if not otherwise disqualified.<sup>17</sup> Consent to marriage, and the subsequent consummation of marriage, may be manifested in any form, and may be proved by the same general rules of evidence as in other cases.<sup>18</sup>

If either party to a marriage is incapable of entering the marriage relation because of physical causes, or if the consent of either party is obtained by fraud or force, marriage under such conditions is voidable.<sup>19</sup>

Marriages between parents and children, ancestors and descendants of every degree, and between brother and sister of the half as well as the whole blood, between nieces and uncles, aunts and nephews and first cousins, and between persons either of whom is feeble minded, are incestuous

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13. Mont. Ter. S. L., 1864-65, p. 408, sec. 5; Mont. R. C., 1935, sec. 5717.
  14. Mont. Ter. S., 1900, sec. 4624; Mont. R. C., 1935, sec. 4913.
  15. Mont. Y. L. Opinions, vol. 9, p. 48, 1920-22 - Rankin.
  16. Mont. Ter. S. L., 1864-65, p. 408, sec. 1; Mont. Civ. C., 1895, sec. 5; Mont. R. C., 1935, sec. 5696.
  17. Mont. Civ. C., 1895, sec. 51; Mont. R. C., 1935, sec. 5696.
  18. Mont. Civ. C., 1895, sec. 52; Mont. R. C., 1935, sec. 5697.
  19. Mont. Civ. C., 1895, sec. 53; Mont. R. C., 1935, sec. 5698.

MARRIAGES  
(Legal Essay)

and void from the beginning.<sup>20</sup> In Montana marriages of whites with negroes, with Japanese or with Chinese are null and void.<sup>21</sup> Such marriages, when contracted outside of the State by residents of Montana, are void in Montana.<sup>22</sup> Persons or officials solemnizing such marriages in Montana are guilty of a misdemeanor, and upon conviction are punished by a fine of five hundred dollars (\$500.00), or by imprisonment in the county jail for one month, or both such fine and imprisonment.<sup>23</sup>

A subsequent marriage, contracted by any person during the life of a former wife or husband, is illegal and void unless the former marriage has been annulled or dissolved, or unless such former husband or wife has been absent and not known to be living for five (5) successive years preceding the subsequent marriage, or was generally reputed and believed by such person to be dead at the time the subsequent marriage was consummated. Such subsequent marriages are valid until nullified by a competent court.<sup>24</sup>

Neither party to a marriage contract is bound by a promise made in ignorance of the other's lack of personal chastity; and the innocent party is released from the contract by unchaste conduct on the part of the other party, except when both parties participate in such conduct.<sup>25</sup>

Marriages contracted outside of the State, which are valid by the laws of the county in which contracted, are valid in Montana.<sup>26</sup>

Marriage in Montana must be licensed, authenticated and recorded as provided by the laws of the State, but non-compliance does not invalidate any lawful marriage.<sup>27</sup>

No marriage solemnized before any person professing to have authority shall be deemed or regarded as void, nor shall the validity be affected in any way by lack of jurisdiction or authority, provided the marriage was consummated with the full belief of the parties, or either of them, that they had been joined in lawful wedlock.<sup>28</sup> No particular form of marriage ceremony is required in Montana, except that the parties, in

20. Mont. Civ. C., 1895, sec. 54; Mont. R. C., 1935, sec. 5699.

21. Mont. S. L., 1909, ch. 49, sec. 1; Mont. R. C., 1935, secs. 5700-5703.

22. Mont. S. L., 1909, ch. 49, sec. 4; Mont. R. C., 1935, sec. 5703.

23. Mont. S. L., 1909, ch. 49, sec. 5; Mont. R. C., 1935, sec. 5704.

24. Mont. Civ. C., 1895, sec. 55; Mont. R. C., 1935, sec. 5705.

25. Mont. Civ. C., 1895, sec. 56; Mont. R. C., 1935, sec. 5706.

26. Mont. Supreme Court, 1887, 5th Div. sec. 1428; Mont. R. C., 1935, sec. 5707.

27. Mont. Civ. C., 1895, sec. 70; Mont. R. C., 1935, sec. 5709.

28. Mont. Rev. S. L., 1904-5, p. 410, sec. 9; Mont. Civil C., 1895, sec. 50; Mont. R. C., 1935, sec. 5719.

MARRIAGES  
(Legal Essay)

the presence of the magistrate or minister and at least two (2) attending witnesses, must solemnly declare that they take each other as husband and wife.<sup>29</sup>

Whenever a marriage is solemnized according to the provisions of Montana's laws, the person solemnizing the marriage, on request, must give to each party a certificate in which is specified the names of the parties, their residence, the names and residences of at least two (2) witnesses to the ceremony, and the time and place of the marriage.<sup>30</sup>

Original certificates of marriage, as provided by law, and the record thereof by the clerk of the district court, or a copy of such record, duly certified by the clerk of the district court, shall be received by all Montana courts as presumptive evidence of such marriage.<sup>31</sup>

The legislature of 1895 provided that all persons performing marriage ceremonies must keep registries showing the names of parties married, residences, places of birth, ages, and whether either party has ever before been married. A certified copy of the register was required to be filed with the county clerk quarterly.<sup>32</sup> This law, however, was repealed in 1921.<sup>33</sup>

In Montana marriages may be solemnized by justices of the peace, judges of the district court, justices of the supreme court, priests and ministers of the gospel of any denomination, or by mayors of cities. Marriages may also be solemnized by religious societies according to the usages of such societies.<sup>34</sup>

Licenses to minors to marry are not granted in Montana unless accompanied by the written consent of the father, if living, and if not, then of the mother or legal guardian. Such written consent must be sworn to before a justice of the peace, notary or other person authorized to administer oaths, and must be proven by the testimony of at least one competent witness.<sup>35</sup>

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29. Mont. Compiled Stat., 1887, 5th Div., sec. 1426; Mont. Civ. C., 1895, sec. 83; Mont. R. C., 1935, sec. 5722.

30. Mont. Compiled Stat., 1887, 5th Div., sec. 1426; Mont. R. C., 1935, sec. 5721.

31. Mont. Ter. S. L., 1864-5, p. 410, sec. 10; Mont. Civ. C., 1895, sec. 81; Mont. R. C., 1935, sec. 5721.

32. Mont. Pol. C., 1895, secs. 2870 - 2873; Mont. R. C., 1907, secs. 1765 - 1761.

33. Mont. S. L., 1921, ch. 109.

34. Mont. Ter. S. L., 1864-5, p. 400, sec. 3; Mont. R. C., 1935, sec. 5713.

35. Mont. Comp. Stat., 1887, 5th Div., sec. 1415; Mont. R. C., 1935, sec. 5712.

MARRIAGE  
(Legal Essay)

Persons married without a solemnization provided by law in Montana must jointly make a declaration of marriage showing: Names, residences and ages of parties; the fact and time of marriage; and that the marriage has not been solemnized.<sup>36</sup> If no record of the solemnization of a marriage is known to exist, the parties may join in a written declaration of such marriage showing: Names, ages and residences of parties; the fact of marriage; and that no record of such marriage is known to exist.<sup>37</sup> Such declarations must be acknowledged and recorded in the same manner as marriage certificates.<sup>38</sup>

To avoid complying with the provisions of the "Cin Marriage Act" of 1935, many persons during 1935 and 1936 were married by executing written marriage declarations and having them recorded by the clerk of the district court.

There is no legal provision in Montana for State registration of marriages.

The cost of certified copies of marriage license and certificates is fifty cents (50¢) for the certificate and seal of the clerk of the court, and 15¢ additional for each folio consisting of 100 words, or fraction thereof.<sup>39</sup>

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36. Mont. Civ. C., 1895, sec. 35; Mont. A. C., 1935, sec. 5724.

37. Mont. Civ. C., 1895, sec. 37; Mont. R. C., 1935, sec. 5726.

38. Mont. Civ. C., 1895, sec. 37; Mont. R. C., 1935, sec. 5726.

39. Mont. Pol. C., 1895, sec. 4656; Mont. R. C., 1935, sec. 4918.

## DEATHS

### Laws Governing Death Records

#### Early Provisions

The first laws providing for the keeping of death records in Montana were enacted by the legislative session of 1895. Physicians, clergymen, coroners, undertakers, and sextons were required to keep registers showing the names, ages, residences and dates of death of deceased persons whom they attended or at whose funerals they officiated, or for whom they held inquests, or whom they buried.<sup>1</sup> The same session also required persons keeping such registers to file certified copies of their registers quarterly with the county clerk.<sup>2</sup> This latter provision, however was repealed in 1921.<sup>3</sup>

The 1895 session made it the duty of the county clerk to keep a "Register of Deaths" in which the deaths certified to him must be numbered in the order in which reported. This register was required to contain in separate columns properly headed, the facts contained in the certificates, and the names and official positions of the persons making the reports. The county clerk was required to examine each death report carefully and to register each death but once, irregardless of whether it had been reported by several persons. This law is still in effect.<sup>4</sup>

#### State Supervision

Realizing that the system of reporting and recording deaths was inadequate, the legislative session of 1907 created the State Bureau of Vital Statistics as a department of the State Board of Health, and made the Secretary of the State Board of Health, the State Registrar in charge of the new bureau. To provide complete and proper registration of deaths for legal, sanitary and statistical purposes, the State Registrar, with the approval of the majority of the State Board of Health, was empowered to make and enforce such rules and regulations as he may consider necessary to carry out the provisions of the registration act.<sup>5</sup>

#### Registration

Local health officers in cities and towns by this act were made local registrars and the State Registrar with the approval of the State Board of Health, was empowered, when he deemed it necessary for the convenience of the residents of any locality, to appoint sub-registrars. These sub-registrars were to have the authority to receive certificates, issue burial and removal permits in the districts for which they were appointed, and were to be subject to the same requirements and obligations as local registrars. Justices of the Peace were also required to act as

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1. Mont. Pol. C., 1895, sec. 2872; Mont. R. C., 1935, sec. 2521.

2. Mont. Pol. C., 1895, sec. 2873; Mont. R. C., 1907, sec. 1761.

3. Mont. S. L., 1921, ch. 109.

4. Mont. Pol. C., 1895, sec. 2875; Mont. R. C., 1935, sec. 2522.

5. Mont. S. L., 1907, ch. 25, secs. 1, 2; Mont. R. C., 1935, sec. 2513, 2516.

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(Legal Essay)

local regulations for the burial of the deceased. It shall be done in conformity with the State regulations.

Under the 1907 act, the body of any person dying in the State cannot be interred or otherwise disposed of or removed from any registration district until a permit for burial or removal shall be properly issued by the registrar of the district. No permit may be issued by the registrar until a complete and satisfactory certificate of death has been filed with him. Still born children, or those dead at birth, are required by the act to be registered as births and also deaths, and certification of birth and death in such cases must be filed in the usual manner.<sup>7</sup> The form of death certificate in Montana provided by the Act of 1907 is the standard form recommended by the Bureau of the Census and the American Public Health Association.<sup>8</sup>

Responsibility of Undertakers.

Undertakers, or persons acting as undertakers, are responsible for obtaining and filing certificates of death with the registrar and securing from him a burial permit. The undertaker is required to obtain the personal and statistical information for the certificate from the person best qualified, and he must present the certificate to the attending physician for the medical certification as to the cause of death. He then must present the completed certificate to the registrar in order to secure a burial or removal permit. The undertaker must issue a duplicate burial permit to the sexton or person in charge of the place of burial before interring the body. The medical certificate shall be made and signed by the attending physician, if any, last in attendance on the deceased person. In the medical certificate the physician shall state the time he last saw the deceased person alive and the hour of the day at which death occurred. Statements as to cause of death and other facts required, must be in accordance with the rules and regulations of the State Registrar. Undertakers, attending physicians and registrars who fail to perform any of the duties outlined by this act are guilty of misdemeanors.<sup>9</sup>

In case of death occurring without medical attendance, it is the duty of the undertaker to notify the registrar of such death, and the registrar must then refer the case to the local health officer or coroner for immediate investigation and certification before issuing a burial permit.<sup>10</sup>

Sextons

No sexton, or person in charge of a cemetery, shall bury, or allow the burial of any body, unless the body is accompanied by a burial per-

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6. Mont. S. C., 1907, ch. 25, sec. 3; Mont. R. C., 1935, sec. 2517.
  7. Mont. S. C., 1907, ch. 25, sec. 4; Mont. R. C., 1935, sec. 2520.
  8. Mont. S. C., 1907, ch. 25, sec. 6; Mont. R. C., 1935, sec. 2527.
  9. Mont. S. C., 1907, ch. 25, sec. 7; Mont. R. C., 1935, sec. 2528.
  10. Mont. S. C., 1907, ch. 25, sec. 6; Mont. R. C., 1935, sec. 2529.



DEATHS  
(Legal Essay)

mit. The sexton, or person in charge, must endorse and date the permit with the date of the burial and return the permit to the local registrar within ten days after the burial. The sexton is required to keep a record of burials in which is stated the name of the deceased person, place of death, date of burial, and name and address of the undertaker. This record must be open at all times to public inspection.<sup>11</sup>

Duties of State Registrar

It is the duty of the State Registrar to prepare, print and supply to all registrars the blanks and forms used in the registration, recording and preserving of returns. He must prepare and issue rules and regulations to effect a perfect system of registration. The original certificates sent to his office must be arranged, bound and preserved in a permanent and systematic manner, and a comprehensive and continuous card index system of all births and deaths registered must be maintained. Annually the State Registrar must certify to each county treasurer the number of births and deaths registered from his county, the names of the local registrars and the amounts due each one.<sup>12</sup>

Duties of Local Registrars

Local registrars and sub-registrars must supply blank forms of certificates to persons who require them. They must carefully examine each certificate presented for recording to ascertain if it complies with the provisions of the law and the instructions of the State Registrar. If any certificate of death is incomplete or unsatisfactory, it is the duty of the local registrar or sub-registrar to call attention to defects and withhold the issuance of the burial permit until the defects are corrected. If the death certificate is properly executed and complete, he shall issue a burial or removal permit to the undertaker. In cases where death occurs from a disease held by the State Board of Health to be infectious, contagious or communicable, and dangerous to the public health, the permit for burial or removal must be issued under the conditions prescribed by the State and local boards of health. The local registrar, or sub-registrar, must number the certificates in series, beginning with No. 1 for the first death in the calendar year and sign his name as registrar to attest the date of filing in his office. He is required to make complete and accurate copies of all certificates on forms identical with the originals, the copies to be filed and preserved in his office as the local record which must be kept in the manner directed by the State Registrar. On the fifth day of each month, he is required to transmit to the State Registrar all the original certificates filed with him during the preceding month. If no deaths occur in his district during any month, he must also report this fact to the State Registrar on the fifth day of the following month in such manner as the State Registrar may direct.<sup>13</sup>

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11. Mont. S. L., 1907, ch. 23, sec. 10; Mont. R. C., 1935, sec. 2531.

12. Mont. S. L., ch. 23, sec. 11; Mont. S. L., 1935, sec. 2532.

13. Mont. S. L., 1907, ch. 25, sec. 12; Mont. R. C., 1935, sec. 2533.

Duplicate for Clerk and Recorder

STATE OF MONTANA  
DEPT. OF VITAL STATISTICS  
Standard Certificate of Death

Do not write

In this space

## 1. PLACE OF DEATH

County..... Township No.....

City.....

No.....

Length of residence in city or town where death occurred..... yrs..... mos..... days..... How long in U.S. if of foreign birth?..... yrs..... mos..... days.....

## 2. FULL NAME

(a) Residence No..... City, State, Wash. D.C.....

## PERSONAL AND STATISTICAL PARTICULARS

## MEDICAL CERTIFICATE OF DEATH

1. SEX..... 2. COLOR..... 3. RACE..... 4. BIRTH DATE (month, day, year).....

1. DATE OF DEATH (month, day, year).....

2. I HEREBY CERTIFY, That I attended deceased from..... to.....

That one..... alive on....., 19..... death or non-occurrence on the date stated above, at.....

The principal cause of death and related cause of importance in order of causality were as follows:

6. DATE OF BIRTH (month, day, year)  
7. AGE..... 8. SEX..... 9. COLOR..... 10. RACE.....11. PLACE OF BIRTH (city or town, state, country)  
12. INDUSTRY or business in which deceased was engaged, as clerk, mail, road, farm, factory, etc.

13. Date deceased last worked at this occupation (month and year)..... 14. Total time (years) spent in this occupation.....

15. PLACE (city or town).....

16. NAME.....

17. PLACE (city or town).....

18. MAIDEN NAME.....

19. PLACE (city or town).....

20. INFORMATION.....

21. BIRTH INFORMATION, ON REMOVAL.....

22. INFORMATION.....

23. FILED.....

Concomitant causes of importance not related to principal cause:

Name of physician..... Date of.....

What was cause of death?..... Was there any disease?.....

19. If death was due to external cause (violence), list in also the following: Accident, suicide, or homicide?..... Date of injury.....

Where did injury occur?..... (Specify city or town, county, state, country)

Specify whether injury occurred in industry, in home, or in public place

Manner of injury.....

Nature of injury.....

24. Was disease or injury in any way related to occupation of deceased?.....

If so, specify..... (Specify city or town, county, state, country)

(Address).....

N.B.—WRITE PLAINLY, WITH UNFADING INK—THIS IS A PERMANENT RECORD. Every item of information should be carefully supplied. AGES should be stated EXACTLY. PHYSICIANS should state CAUSE OF DEATH in plain terms, so that it may be properly classified. Exact statement of OCCUPATION is very important. See instructions on back of certificate.

MARGIN FOR ENDING

V.B. 15-23

REVIEW  
(Legal Essay)

Fees of Registrars

Each local registrar, or sub-registrar, is entitled to be paid the sum of twenty-five cents (25¢) for each death certificate completely and properly made out and filed with him. The fees are paid by the treasurer of the county on certification by the State Registrar.<sup>14</sup>

Filing with County Clerk

In 1910 the registration act was amended by a law which requires local registrars and sub-registrars to file duplicate returns with the county clerk of the county in which their districts are located. The county clerk is required to enter such returns in his register of deaths. This law required all local registrars and sub-registrars, within ninety days after passage and approval of the act, to prepare copies of all returns on file in their respective offices and send them to the county clerk of the county in which their districts are located, as a fee for preparing and sending copies of the returns to the county clerk, the local registrars and sub-registrars were to receive ten cents (10¢) for each returned name copied and transcribed. The amount was for such service was to be paid by the county commissioners on presentation of a duly certified claim.<sup>15</sup>

Penalties

Attending physicians who refuse or neglect to make out the medical certificates of death required of them are guilty of misdemeanor, punishable on conviction by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00), or by imprisonment in the county jail for not less than five (5) days nor more than twenty-five (25) days, or by both such fine and imprisonment, in the discretion of the court. If any physician wilfully and knowingly makes a false certificate as to cause of death, he is guilty of a misdemeanor punishable, on conviction, by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or by imprisonment in the county jail for not less than twenty-five (25) days nor more than one hundred (100) days, or by both such fine and imprisonment. Any sexton, undertaker or other person who inter, removes or otherwise disposes of the body of a deceased person without the permit prescribed by law, is guilty of misdemeanor, punishable on conviction by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Failure, neglect or refusal of local registrars and sub-registrars to enforce the registration laws in their districts or to perform the duties imposed on them by law or by the regulations of the State Registrar, are misdemeanors, punishable on conviction by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00)<sup>16</sup>

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14. Mont. F. L., 1907, ch. 25, sec. 13; Mont. R. C., 1935, sec. 2537.

15. Mont. F. L., 1910, ch. 66, secs. 1,2; Mont. R. C., 1935, secs. 2516, 2517.

16. Mont. S. L., 1907, ch. 25, sec. 17; Mont. R. C., 1935, sec. 2536.

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Enforcement

Local registrars and sub-registrars are responsible for the strict enforcement of the provisions of the registration laws in their districts. They are under the supervision of the State Registrar and are required to make immediate reports to him of any violations of the law coming to their attention. The State Registrar is charged with the efficient enforcement of the provisions of the registration law in all parts of the State to the end that all requirements shall be complied with uniformly. He has authority to investigate irregularities and violations of the law, either in person or by accredited representatives. When he deems it necessary, he must report the facts concerning violations of the law to the county attorney of the proper county for the institution of court proceedings against persons alleged to have violated the registration laws. Upon request of the State Registrar, the Attorney General is required to assist in the enforcement of the law.<sup>17</sup>

Certified Copies

The Montana State Board of Health's regulations has set a fee of one dollar (\$1.00) for a certified copy of any death record filed in the office of the State Bureau of Vital Statistics. For searching the records of the State Bureau of Vital Statistics at Helena, a fee of fifty cents (50%) an hour, or fraction thereof, is charged.

By a law passed in 1919, the county clerk is required, on demand and payment of a fee of twenty-five cents (25%), to furnish a certified copy of any record of death on file in his office.<sup>18</sup>

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17. Mont. S. L., 1907, ch. 35, sec. 13; Mont. R. C., 1935, sec. 2530.  
18. Mont. S. L., 1919, ch. 68, sec. 3; Mont. R. C., 1935, sec. 2524.

## DIVORCE

### Law Concerning Divorces and Annulments

#### Jurisdiction

The legislature of 1872 passed an act, which was amended in 1873, giving the district court, as a court of chancery (equity), jurisdiction in all cases of divorce and alimony.<sup>1</sup> The Constitution of 1889 affirmed this statutory legislation by providing original jurisdiction for the district court in all cases at law and in equity, including actions of divorce and for annulment of marriage. The constitutional provisions were later re-enacted by statute.<sup>2</sup>

#### Custody of Records

Clerks of the district courts of the respective counties are custodians of all district court records, including divorce case papers and decrees.<sup>3</sup>

The following filing fees are required in divorce actions: Plaintiff, five dollars (\$5.00) at commencement of action; defendant, on filing appearance, two dollars and fifty cents (\$2.50); decree in favor of plaintiff, two dollars and fifty cents (\$2.50); decree in favor of defendant, five dollars (\$5.00).<sup>4</sup>

#### No State Registration

No legal provision has been made in Montana for central registration or recording of divorces by the State.

#### Dissolution of Marriage

In Montana, marriages may be dissolved only by the death of one of the parties, or by a judgment of a court of competent jurisdiction.<sup>5</sup>

The effect of a judgment of divorce is to restore the parties to the state of unmarried persons.<sup>6</sup>

Absolute divorce, separations, and decrees for separate maintenance may be granted for the following causes: Adultery, extreme cruelty, wilful desertion; wilful neglect; habitual intemperance, and conviction of felony.<sup>7</sup> In Montana separation by consent, with or without the understanding that one of the parties will apply for divorce, does not constitute desertion.<sup>8</sup> Wilful neglect, wilful desertion and habitual intemperance have

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1. Mont. Stat. C., 1872, sec. 1000.

2. Mont. Stat. C., 1889, sec. 1000.

3. Mont. Stat. C., 1889, sec. 1000.

4. Mont. Stat. C., 1889, sec. 1000.

5. Mont. Stat. C., 1889, sec. 1000.

6. Mont. Stat. C., 1889, sec. 1000; Mont. Stat. C., 1889, sec. 1000.

7. Mont. Stat. C., 1889, sec. 1000; Mont. Stat. C., 1889, sec. 1000.

8. Mont. Stat. C., 1889, sec. 1000; Mont. Stat. C., 1889, sec. 1000.

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continue for one year before becoming grounds for divorce.<sup>9</sup>

Divorce may be denied on a proper showing that there has been connivance, collusion, condonation or reconciliation.<sup>10</sup> Collusion is where there is an agreement between husband and wife that one of them shall commit, or appear to have committed, or be falsely represented in court as having committed, acts constituting grounds for divorce.<sup>11</sup> Condonation is the conditional forgiveness of a matrimonial offense constituting a ground for divorce.<sup>12</sup> Reconciliation is a showing by the defendant of any cause of divorce against the plaintiff in bar of the plaintiff's cause of divorce.<sup>13</sup>

Condonation is revoked and the original cause for divorce revived when the offending party commits similar or other causes for divorce, or when the offending party is guilty of great conjugal unkindness not amounting to grounds for divorce, but sufficiently habitual and gross to show that the conditions of condonation have not been accepted in good faith, or have not been fulfilled.<sup>14</sup>

In Montana divorces must be denied under the following conditions:

1. When the cause is adultery and the action is not commenced within two (2) years after discovery by the injured party.
2. When the cause is conviction of felony and the action is not started before the expiration of two years from the date of judgment and sentence.
3. In all cases where there is an unreasonable lapse of time before the commencement of the action.<sup>15</sup>

Unreasonable length of time is such delay as establishes the presumption that there has been connivance or collusion, condonation of the offense, or full acquiescence in the same with the intent of continuing the marriage relation, notwithstanding such offense.<sup>16</sup> The presumption may be rebutted by showing reasonable grounds for the delay in commencing the action.<sup>17</sup>

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9. Mont. Civ. C., 1895, sec. 145; Mont. R. C., 1935, sec. 5746.
  10. Mont. Civ. C., 1895, sec. 161; Mont. R. C., 1935, sec. 5761.
  11. Mont. Rev. S. L., 1884-5, p. 430, sec. 4; Mont. Civ. C., 1895, sec. 145; Mont. R. C., 1935, sec. 5746.
  12. Mont. Civ. C., 1895, sec. 162; Mont. R. C., 1935, sec. 5753.
  13. Mont. Civ. C., 1895, sec. 170; Mont. R. C., 1935, sec. 5760.
  14. Mont. Civ. C., 1895, sec. 163; Mont. R. C., 1935, sec. 5759.
  15. Mont. Civ. C., 1895, sec. 172; Mont. R. C., 1935, sec. 5762.
  16. Mont. Civ. C., 1895, sec. 170; Mont. R. C., 1935, sec. 5763.
  17. Mont. Civ. C., 1895, sec. 174; Mont. R. C., 1935, sec. 5764.

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A divorce may be granted in Montana unless the plaintiff is an alien or a resident of the State for one year next preceding the date of the commencement of the action.<sup>18</sup>

No divorce can be granted in Montana upon the default of the defendant alone, but must be heard in open court and the court must require proof of all facts alleged.<sup>19</sup> Though judgment of divorce may be given, the court, in its discretion, may provide for the maintenance of the wife and her children by the husband.<sup>20</sup>

### Alimony

When an action for divorce is pending, the court, in its discretion, may require the husband to pay an alimony amounts necessary to enable the wife to support herself, or her children, and to prosecute the action, and, if the husband willfully deserts the wife, she may, without applying for a divorce, maintain an action in the district court against him for reasonable support of herself, or herself and her children. Execution for collection of alimony payments may be issued in the discretion of the court. The final judgment in a divorce action may be enforced by such orders as the court from time to time may deem necessary, and such orders may be varied, altered or reversed at the court's discretion.<sup>21</sup>

Before or after judgment in a divorce action, the court may give such directions as may be necessary for the custody, care and education of the children of the marriage and may at any time vacate or modify such orders.<sup>22</sup>

Where a divorce is granted on the fault of the husband, the court may compel him to make provision for the support of the children of the marriage and also of the wife, or her children, or for such a number of them as the court may deem proper, and the court may from time to time modify such orders. Upon proof of the desertion of a divorced wife after final judgment of divorce, the court may modify the judgment by annulling the provisions directing payment of money for the support of the wife.<sup>23</sup>

To insure the payment of all pay, the court may require the husband to give reasonable security, and may enforce such payments by the appointment of a receiver for the husband's property. If the wife has a separate

18. Mont. Civ. C., 1908, sec. 174; Mont. A. C., 1907, sec. 3705.

19. Mont. Civ. C., 1908, sec. 175; Mont. A. C., 1907, sec. 3706.

20. Mont. Civ. C., 1908, sec. 180; Mont. A. C., 1908, sec. 3707.

21. Mont. Civ. C., 1908, sec. 181; Mont. A. C., 1907, sec. 3708.

22. Mont. Civ. C., 1908, sec. 182; Mont. A. C., 1907, sec. 3709.

23. Mont. Civ. C., 1908, sec. 183; Mont. A. C., 1908, sec. 3710.

24. Mont. Civ. C., 1908, sec. 184; Mont. A. C., 1908, sec. 3711.

25. Mont. Civ. C., 1908, sec. 185; Mont. A. C., 1908, sec. 3712.

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estate sufficient to give her adequate support, the court, in its discretion, may withhold any allowance to her out of the property of the husband.<sup>26</sup> The property of the husband and wife may be made subject to the support and education of the children, in such proportions as the court may deem just, or the property of the guilty party may be subjected to pay for such support.<sup>26</sup>

Where a divorce is granted because of the adultery of the wife, the legitimacy of children born before the commission of the offense is not affected, but the legitimacy of other children of the wife may be determined by the court upon the evidence in the case. In such cases all children born before the commencement of the action are presumed to be legitimate until the contrary is shown.<sup>27</sup>

In case of the dissolution of a marriage by the judgment of a court of competent jurisdiction, the homestead, if selected from the separate property of either the wife or husband, shall be assigned to the former owner, subject to the power of the court to assign it for a limited period to the innocent party.<sup>28</sup>

Any woman suing for divorce, who shall make it appear to the court that she is poor and unable to pay the expenses of such a suit, may be allowed by the court, to prosecute her suit without costs.<sup>29</sup>

No order for alimony shall be made in cases where both parties have made appearances until notice of the time and place of hearing has been served upon the opposite party. In cases where the opposite party has not appeared, the notice shall be served upon the clerk of the court in which the action is pending.<sup>30</sup>

#### Annulment

In Montana marriages may be annulled for any of the following causes:

1. When the party in whose behalf annulment is sought was under the age of legal consent and such marriage was contracted without the consent of his or her parents or guardian, providing such person after reaching the age of consent has not freely cohabited with the other as husband or wife.
2. When the former husband or wife of either party was living and the former marriage was then in force.

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1. Mont. Civ. C., 1895, sec. 188; Mont. R. C., 1895, sec. 5773.  
2. Mont. Civ. C., 1895, sec. 188; Mont. R. C., 1895, sec. 5774.  
3. Mont. Civ. C., 1895, sec. 188; Mont. R. C., 1895, sec. 5773.  
4. Mont. Civ. C., 1895, sec. 189; Mont. R. C., 1895, sec. 5777.  
5. Mont. Civ. C., 1895, p. 481, sec. 7; Mont. Civ. C., 1895,  
sec. 205; Mont. R. C., 1895, sec. 5780.  
6. Mont. Civ. C., 1895, sec. 205; Mont. R. C., 1895, sec. 5781.



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3. When either party was of unknown mind, unless such party, after regaining reason, freely cohabited with the other as man and wife.
4. Where the consent of either party was obtained by fraud, unless after the fraud was discovered, the cohabitation was continued.
5. When the consent of either party was obtained by force, unless cohabitation afterwards was freely continued.
6. When either party at the time of marriage was physically incapable of marriage, and when such incapacity continued and appears to be incurable.<sup>31</sup>

When marriages are annulled on the ground that a former wife or husband is living, and it is adjudged that the subsequent marriage was contracted in good faith and full belief that the former husband or wife was dead, or when the marriage is annulled on the ground of incapacity, the children born before the judgment must be specified in the judgment and are legitimate and entitled to succeed to the estates of both parents.<sup>32</sup>

Custody of children of marriages annulled on the ground of fraud or force, must be awarded to the innocent party, and provision for their education and maintenance may be made out of the property of the guilty party.<sup>33</sup>

A certified copy of a divorce decree, decree of annulment or of any court order issued in a divorce action costs fifty cents (50¢) for the certificate and seal of the clerk of the court, and fifteen cents (15¢) additional for each folio of one hundred (100) words or fraction thereof.<sup>34</sup>

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31. Mont. Civ. C., sec. 110; Mont. R. C., 1935, sec. 5729.

32. Mont. Civ. C., 1888, sec. 112; Mont. R. C., 1898, sec. 5731.

33. Mont. Civ. C., 1888, sec. 113; Mont. R. C., 1898, sec. 5732.

34. Mont. Pol. C., 1888, sec. 4838; Mont. R. C., 1898, sec. 4913.

The Historical Records Survey was undertaken in the winter of 1937-1938 as a part of providing useful employment to needy unemployed persons. Historians, teachers, and research and clerical workers, in carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local governments, and which provide invaluable data for students of political, economic, and social history. Up to the present time approximately 1,350 publications have been issued by the Survey throughout the nation.

The Guide to Public Vital Statistics in Montana presented herewith has been compiled and published for use in conjunction with the work of the Vital Statistics Division of the Bureau of the Census and the National Mortality Program as well as for public officials, research workers, and individuals generally.

Following is a list of Historical Records Survey publications in Montana:

#### Inventories of County Archives

- ✓ No. 1. Beaverhead (v, 203 pp., mimeo., November 1939)
- \* No. 13. Flathead
- \* No. 24. Lake
- \* No. 27. Lincoln
- \* No. 28. Madison (vii, 208 pp., mimeo., May 1940)
- \* No. 31. Mineral
- ✓ No. 32. Missoula (v, 190 pp., mimeo., September 1939)
- \* No. 41. Ravalli
- \* No. 45. Sanders
- ✓ No. 47. Silver Bow (v, 281 pp., mimeo., July 1939)
- ✓ No. 51. Toole (v, 123 pp., mimeo., October 1938)

#### Inventories of Federal Archives

- The Department of Agriculture (v, 150 pp., mimeo., July 1939)
- The Department of Commerce (iv, 5 pp., mimeo., July 1939)
- The Farm Credit Administration (iv, 7 pp., mimeo., July 1939)
- The Federal Courts (vi, 25 pp., mimeo., December 1940)
- The Veterans' Administration (iii, 20 pp., mimeo., July 1940)

#### Inventories of Religious Bodies

- \* A Directory of Churches and Religious Organizations in Montana, 1941

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